

IN THE

United States Court of Appeals
FOR THE ELEVENTH CIRCUIT

IRA KLEIMAN, as the Personal Representative
of the ESTATE OF DAVID KLEIMAN,
Plaintiff-Appellant,
W&K INFO DEFENSE RESEARCH, LLC,
Plaintiff,
—v.—

CRAIG WRIGHT,
Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

SUPPLEMENTAL APPENDIX
VOLUME V OF XVII

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1 BY MR. RIVERO:

2 Q. All right. Now, sir, isn't it a fact that -- by the way,
3 what did you do with the card? Was it his card?

4 A. I believe it was his. He didn't give it to me. And I
5 didn't find it in his belongings.

6 Q. Okay. So he showed it to you?

7 A. It was 2009. So ...

8 Q. Let me make sure I understand.

9 It's your brother. He shows you a card with this on it,
10 but he didn't give it to you?

11 A. No.

12 Q. All right. But he didn't tell you to keep it secret?

13 A. No. He didn't tell me to keep it secret.

14 Q. Would it surprise you, sir, that this was not the logo for
15 Bitcoin in 2008?

16 A. It might have not officially been. But like I said, in the
17 past, he's asked me for help to create like logos for him.

18 I've helped him build his websites. So at that time, I thought
19 maybe he was asking me to -- "We're working on a logo. Check
20 this out."

21 Q. Sir, my question is simply: Would it surprise you to learn
22 that this was not the logo for Bitcoin in 2008?

23 A. No. That wouldn't surprise me.

24 Q. And I take it it would not surprise to you learn this was
25 not the logo for 2009?

1 A. No. That wouldn't surprise me.

2 Q. All right. Sir, do you know for a fact it was not the logo
3 on November 26th, 2009?

4 A. I don't know.

5 Q. All right. Now, the timeline your lawyer showed the
6 jury --

7 MR. RIVERO: If I can ask Mr. Shah to bring up the
8 first entry on the timeline demonstrative shown by the
9 Plaintiffs in their opening statement.

10 BY MR. RIVERO:

11 Q. -- established that Bitcoin was --

12 MR. RIVERO: Oh, I'm sorry, Mr. Shah. Take it down.
13 I am remembering the wrong thing.

14 BY MR. RIVERO:

15 Q. In your complaint, sir, you allege that Bitcoin was
16 initiated on October 31st, 2008 by the release of a whitepaper
17 by Satoshi Nakamoto; isn't that right?

18 A. Yes.

19 Q. And you also, I assume, know that your complaint alleges
20 that besides the All Hallow's Eve release of the whitepaper in
21 2008, that the blockchain went operational, according to your
22 complaint, in early January of 2009. Are you aware of that?

23 A. No. I'm not aware of that.

24 Q. Let me --

25 MR. RIVERO: Mr. Shah, would you put up the second

1 amended complaint, which is -- thank you -- is Defendant's 404.

2 Your Honor, this is in evidence. If I may?

3 THE COURT: All right. Thank you.

4 MR. RIVERO: If I may publish.

5 BY MR. RIVERO:

6 Q. Sir, let me show you what's Paragraph 30 --

7 MR. RIVERO: Mr. Shah, if you would, Paragraph 30 --

8 MR. BRENNER: Your Honor --

9 THE COURT: I'm sorry. It's not yet in evidence. Are
10 you seeking to introduce it at this time?

11 MR. RIVERO: Yes, Your Honor. It is the second
12 amended complaint.

13 THE COURT: Is there any objection?

14 MR. BRENNER: Your Honor, the non-verified complaint
15 is hearsay. I do object.

16 MR. RIVERO: Your Honor, it's an admission of a party
17 opponent. This is filed -- under the rules of the Court, it's
18 filed -- it has to --

19 THE COURT: The objection is on grounds of hearsay to
20 the complaint?

21 MR. BRENNER: Hearsay, yes. The objection is hearsay,
22 Your Honor.

23 THE COURT: Ordinarily, the pleadings are not in
24 evidence, but the parties have been using the complaint
25 throughout the testimony. So -- I don't know as an exhibit,

1 but is there a portion of the amended complaint that you'd like
2 to show the witness?

3 MR. RIVERO: Well, Judge, I definitely want to publish
4 to -- this is -- these are the allegations of Plaintiff, Your
5 Honor, which I would consider admissions of a party opponent.

6 But in any event, Judge, it's Paragraph 30 that
7 we're -- Paragraph 31 -- 30 and 31 that we're looking at.

8 THE COURT: Do you want to refer to that in your
9 testimony?

10 MR. RIVERO: Yes, Your Honor. If I may.

11 Thank you.

12 BY MR. RIVERO:

13 Q. All right, sir.

14 MR. RIVERO: So just showing the jury, if we can --

15 MR. BRENNER: Your Honor, I think the proper procedure
16 is to ask the witness if he's familiar with the allegation, if
17 it's his statements, and then he can do it, but the complaint
18 itself is hearsay.

19 MR. RIVERO: Mr. Shah, can you prepare F30?

20 Your Honor, I just asked the witness and the witness
21 just testified --

22 THE COURT: You may continue.

23 BY MR. RIVERO:

24 Q. Sir, you just said that you knew your Paragraph 30
25 allegation, that on Halloween Day 2008 a whitepaper was

1 released by Satoshi Nakamoto. And that's what you allege,
2 right?

3 A. Yes.

4 Q. That's not controversial, right?

5 A. No.

6 Q. Neither is it controversial and you allege that on January
7 3rd, 2009 the system went operational; isn't that right?

8 A. What was the date?

9 Q. It's January 3rd. It's no later than January 3rd, 2009.

10 A. I think that's correct.

11 Q. Let me show you Paragraph 31.

12 And there it is, less than three months later, the system
13 outline became a reality. On January 3, 2009, Satoshi mined
14 the first 50 Bitcoin. Are you aware that your expert witness
15 yesterday testified to this non-controversial timeline?

16 A. I'm not aware of --

17 Q. Now, are you aware that by November 26th, 2009 -- you know
18 your expert testified yesterday here in court?

19 A. Yes.

20 Q. All right. And you -- are you aware that he testified that
21 as many as 2.3 million Bitcoin, plus or minus up to 10 percent,
22 had been mined by November 26th, 2009 based on a rough
23 calculation? Are you aware of that?

24 A. I wasn't aware of that.

25 Q. All right. Okay.

1 Sir, let me just -- let me just make sure that we're on the
2 same page about your -- the personal knowledge that you do or
3 don't have in that time period that your lawyers referred to
4 2008 to 2013. Right?

5 A. Yes.

6 Q. And, sir, I'll go to today, excluding whatever you've heard
7 from Craig Wright. Do you understand?

8 A. Uh-huh.

9 Q. Okay. So other than anything you know from Craig Wright or
10 the Thanksgiving story we've already heard about, isn't it the
11 case that you have no personal knowledge about this case?

12 A. Yeah. I don't have any personal knowledge.

13 Q. And -- but you allege that Dave and/or W&K owned a
14 substantial amount of Bitcoin, right?

15 A. Yes.

16 Q. But you don't have any emails from Dave where he told you
17 he had a substantial amount of Bitcoin?

18 A. Like I said, most of my communications came from
19 Dr. Wright.

20 Q. You don't have any text messages from Dave that he had a
21 substantial amount of Bitcoin?

22 A. No.

23 Q. You don't have any handwritten letters from Dave saying he
24 had any Bitcoin?

25 A. No.

1 Q. You have a will from Dave that does not refer to Bitcoin;
2 isn't that right?

3 A. Yeah. There's nothing mentioned specifically about Bitcoin
4 in his will.

5 Q. Now, that will was done many years before, right?

6 A. Correct.

7 Q. But that will was never updated to reflect anything that
8 your brother had come into at any time after January of 2009,
9 was it?

10 A. Yeah. I mean, Bitcoin didn't exist back then.

11 Q. That's right. So that's why I'm asking the follow-up
12 question.

13 A. Yes.

14 Q. The will was from a time before. Your brother did not do
15 anything to update his will at any time after -- picking a
16 random date -- January 3, 2009, right?

17 A. Correct.

18 Q. Your brother knew that he was not in good health?

19 A. He didn't really have those kind of discussions with me.
20 I'm not exactly sure -- you know, he didn't mention
21 specifically like what kind of health condition he was in.

22 Q. Your brother was hospitalized almost every day of the last
23 two years of his life in the VA hospital here in Miami, was he
24 not?

25 A. Yes. But I'm just saying he didn't really discuss that

1 kind of stuff with me.

2 Q. You have no documents where Dave told you anything about --
3 or told anybody anything about W&K -- W&K?

4 A. W&K? No.

5 Q. You didn't find any documents in his house about W&K?

6 A. No, I didn't.

7 Q. You haven't spoken to any witnesses other than Dr. Wright
8 who said anything that would indicate that David Kleiman had
9 any substantial amount of Bitcoin?

10 A. I'm not exactly certain that's correct.

11 Q. Okay.

12 MR. RIVERO: Mr. Shah, can you play the -- Judge, I
13 think this is really properly refreshing recollection because I
14 think he said he's not sure he remembers. So I suppose, in
15 fairness --

16 THE COURT: Do you have a copy of the deposition
17 testimony to show him?

18 MR. RIVERO: Yeah. I think I would just show him --
19 if you could show Mr. Kleiman.

20 MR. BRENNER: What page and line?

21 MR. RIVERO: So what I'd like to do is show it to --
22 and this is only for the purpose of refreshing recollection at
23 this point, Your Honor. Ira Kleiman 1, at Page 34, lines 15 to
24 19 -- and this -- Liz -- yeah, 15 to 19, Mr. Brenner. And this
25 would only be for counsel, the Court, and Mr. Kleiman.

1 BY MR. RIVERO:

2 Q. Does this refresh your recollection that you have not
3 spoken to any witnesses that told you that Dave had a
4 substantial amount of Bitcoin?

5 A. Yes. I remember saying that at my deposition. But since
6 then, it's been many years that I've had time to review other
7 documents. And I do remember speaking to one of Dave's friends
8 who did mention to me something about Dave's involvement in
9 Bitcoin.

10 Q. Mr. Kleiman, you were deposed in 2020. You understand
11 that?

12 A. Oh, this one is from -- okay.

13 Well, since that time, then, I've had time to review a lot
14 of email communications.

15 Q. I'll get the date for you, Mr. Kleiman.

16 (Pause in proceedings.)

17 BY MR. RIVERO:

18 Q. All right. So sir, let's just be clear. You remember that
19 you were deposed on April 8th, 2019. '19. Do you recall that?

20 A. Yes.

21 Q. All right. And you were under oath at that time?

22 A. Yes.

23 Q. And you did testify that you had spoken to -- in response
24 to the question: "Have you spoken to any witnesses that told
25 you that Dave had a substantial amount of Bitcoin," you

1 testified "No." Isn't that right?

2 A. Yeah. That -- that would be incorrect, then.

3 Q. All right. So sir, now, the person that you're referring
4 to, did that person tell you something that they said that
5 David Kleiman said to them?

6 A. Yes.

7 Q. A friend of David Kleiman has told you that David Kleiman
8 told them he had a substantial amount of Bitcoin?

9 A. He didn't say it in those words. He said something
10 different. But I told this close friend of Dave's about my
11 memory of the Facebook -- the Thanksgiving dinner, and this
12 friend then told me that Dave said something very similar to
13 him.

14 MR. RIVERO: Your Honor, may I have one moment?

15 THE COURT: Certainly.

16 (Pause in proceedings.)

17 BY MR. RIVERO:

18 Q. Did the friend tell you that the Bitcoin were on the
19 encrypted drives?

20 A. No.

21 Q. You're saying that somebody else said that -- what -- did
22 he turn a business card over and draw a "B" on it?

23 A. No. No. No. I'd have to go look back at the email
24 communication, but --

25 Q. Wait a minute, sir. You're saying there were email

1 communications about this conversation?

2 A. It was first a telephone conversation, and then he followed
3 it up with an email where he said that he -- based upon the
4 discussions that he had with Dave, that he believed that Dave
5 and Craig were the co-creators of Bitcoin.

6 Q. You're claiming you have an email in your possession to
7 that --

8 A. Yes. Exactly what I just said, yes.

9 Q. And have you -- well, are your counsel aware of that?

10 A. Yes, they are.

11 Q. And you have not produced that to the Defense in this case,
12 have you?

13 A. I would certainly imagine that it's been produced to you.

14 Q. All right. Mr. Kleiman, I'm going to have to look into
15 this. Fortunately, I get a chance to question you after I get
16 some time to look at this claim.

17 You do know that David Kleiman actually did have a real
18 business, right?

19 A. Yes, he did.

20 Q. It was called Computer Forensics, LLC?

21 A. Yes.

22 Q. And he told you about that?

23 A. Yes.

24 Q. He told you the names of his partners?

25 A. Yes.

1 Q. Did he share with you, by any chance, that he had a written
2 operating agreement in regard to that company?

3 A. Did he share what?

4 Q. Did he share with you, by any chance, that he had a written
5 operating agreement for his company, Computer Forensics, LLC?
6 Did he share that with you?

7 A. I don't remember.

8 Q. You don't remember.

9 Did he tell you that he used the family lawyer Karp in
10 relation to Computer Forensics, LLC?

11 A. I don't think Dave ever told me that, no.

12 Q. He didn't tell you.

13 Did Dave tell you that he used Kuharcik, the accountant?
14 You know Kuharcik?

15 A. Yes. No. He never told me that.

16 Q. He never told you.

17 But you don't know that he used Kuharcik -- Mr. Kuharcik
18 for the Computer Forensics, LLC company?

19 A. I know that now, but I'm saying Dave never personally told
20 me that, no.

21 Q. Right. But those would be the people that your family
22 would go to, would be Mr. Karp and Mr. Kuharcik, right?

23 A. Yes.

24 Q. That's the -- Karp -- Mr. Karp was raised by your -- was
25 your --

1 A. My mom was his babysitter.

2 Q. -- his babysitter?

3 A. Yes.

4 Q. And Mr. Kuharcik has done work for your family?

5 A. I don't know about -- I think just for Dave.

6 Q. But it wouldn't surprise you that he would use them for
7 Computer Forensics?

8 A. No. That wouldn't surprise me.

9 Q. Now, you're the executor and the administrator, right?

10 A. Yes.

11 Q. So you know something about that kind of work that -- I'm
12 sorry. I'm staying on Computer Forensics. I went off on
13 another -- you knew the nature of the Computer Forensics
14 business, right?

15 A. Yes. They do computer forensics.

16 Q. Right. David Kleiman -- it's in the name. And David
17 Kleiman had mentioned that to you, right?

18 A. Yes.

19 Q. Okay.

20 A. And I helped create his website.

21 Q. Because you do web design work, right?

22 A. Yes.

23 Q. You're familiar with the computers?

24 A. Yes.

25 Q. You know how to reformat computers, right?

1 A. Yes.

2 Q. You make your living from computers, right?

3 A. Yes.

4 Q. You're not a person -- a person who's ignorant about these
5 matters, are you?

6 A. No.

7 Q. Now, Dave told you -- no. But Dave certainly never told
8 you that he had Bitcoin wallets, right?

9 A. No. He never mentioned the word "Bitcoin" to me, no.

10 Q. And he didn't say he had any Bitcoin accounts?

11 A. No.

12 Q. Early on, you concluded there was no treasure to be had in
13 David Kleiman's devices or in his estate. Do you remember
14 telling your lawyer that?

15 A. Yes.

16 Q. Yeah. Today, you say that David Kleiman created Bitcoin
17 with Craig Wright.

18 A. From what Craig has told me, yes, that's what I believe.

19 Q. That's the only basis you have for that?

20 A. Yes. Primarily from a plethora of documents from Craig,
21 yes.

22 Q. But only from Craig?

23 A. Yes.

24 Q. And for the same reason, you believe he was part of Satoshi
25 Nakamoto?

1 A. Yes.

2 Q. And you say that working together on Bitcoin -- you say
3 that David Kleiman and Craig Wright did research that led to
4 the creation of intellectual property related to Bitcoin.
5 That's what you allege?

6 A. Okay.

7 Q. So you've sworn to it, no?

8 A. I -- yes, I suppose so.

9 Q. Isn't it your view that Defendant has taken intellectual
10 property belonging to the estate and W&K that was created by
11 Dave and Craig's partnership through research David Kleiman
12 conducted with Craig Wright that was not completed or published
13 as of 2015? That's what you believe?

14 A. According to Craig, yes. He is in possession of software
15 that is owed to the estate.

16 Q. Based on Craig. But nearer to David Kleiman's death, you
17 had a very hard time believing that Dave was involved in
18 writing the whitepaper, didn't you?

19 A. Could you repeat that, please.

20 Q. Closer to the time of David's death, you had a very hard
21 time believing that he could be involved in the writing of the
22 whitepaper, did you not?

23 A. Around the time of his death?

24 Q. Closer to the time of his death. In other words, at that
25 time, not long after the time of his death.

1 A. I don't remember what I was thinking about it at that time.

2 Q. Okay, sir. Do you remember -- well, let me show you --
3 isn't it a fact that you searched forum sites that your brother
4 would post on, but couldn't find a single mention of Bitcoin
5 attached to his name?

6 A. Yeah. I did not -- but I did notice that he was a longtime
7 member of the cryptography forum where the Bitcoin paper was
8 released.

9 Q. As was Dr. Wright, correct?

10 A. That, I don't -- I don't know if he is a member of that
11 forum.

12 Q. But you looked at all of the posts that he was associated
13 with in the forum and you did not find any mention of "Bitcoin"
14 attached to his name at all?

15 A. That's because Satoshi Nakamoto used two different email
16 addresses.

17 THE COURT: Mr. Rivero, just let me know when it might
18 be a good time for us to recess and adjourn for the evening.

19 MR. RIVERO: Your Honor, I think if I could just have
20 a few more questions and find a natural spot.

21 Thank you.

22 THE COURT: Yes. Of course.

23 BY MR. RIVERO:

24 Q. In fact, you never saw Dave, David Kleiman, program any
25 software or figure out any insanely difficult math equations;

1 isn't that right?

2 A. I don't recall seeing him do it. But I -- like I said
3 earlier, he had started the Hackers, Inc. company many years
4 ago and they did offer computer programming services.

5 Q. Right, sir. But you're talking about the early 1990s?

6 A. Yes.

7 Q. So right now, that's 30 years ago, right?

8 A. Well, then, in 2001, he also worked for Security Doc, where
9 he created encryption software that ended up being used at NASA
10 and other government agencies.

11 Q. But isn't it true that you never saw David program any
12 software?

13 A. Me personally? No. But --

14 Q. You never saw him figure out any insanely difficult math
15 problems?

16 A. No.

17 Q. And leaving aside the Thanksgiving 2009 story, in life,
18 David never said anything to you about Bitcoin?

19 A. He never said the word "Bitcoin," no.

20 Q. He never said anything about cryptocurrency?

21 A. He said: "Digital money."

22 Q. He never said the name "Satoshi Nakamoto"?

23 A. No.

24 Q. He never said the name "Craig Wright"?

25 A. No.

1 Q. He never said the name "W&K"?

2 A. No.

3 MR. RIVERO: Judge, I'm just going to go just a few
4 more minutes. My apologies to the jury, but I'm almost at a
5 point to stop.

6 BY MR. RIVERO:

7 Q. And sir, he never, ever, ever asked you to mine Bitcoin,
8 did he?

9 A. He never asked me. No, he didn't.

10 Q. No. And he never, ever, gave you a friendly brotherly tip
11 to buy Bitcoin when it was at pennies, did he?

12 A. No.

13 Q. But he did give you a friendly brotherly tip to buy Apple
14 at a certain moment, didn't he?

15 A. Yeah. We had lots of email exchanges about different
16 stocks, yes.

17 Q. Do you remember -- what other stocks, sir; do you remember?

18 A. Probably Twitter, Facebook. I think one called JCOMP.

19 Maybe Invidia. Yeah. I can't remember all of them.

20 Q. He routinely gave you -- he routinely gave you tips to buy
21 those stocks, but he never said: "Hey, buy now when this is at
22 pennies." Isn't that right?

23 A. Well, if it was a secretive project, maybe he was afraid to
24 mention the word "Bitcoin" at that time.

25 Q. Can you answer the question, sir? He never gave you that

1 advice?

2 A. No. He didn't. He didn't.

3 MR. RIVERO: Your Honor, this is a good stopping
4 point.

5 THE COURT: All right.

6 Then Ladies and Gentlemen, at this point in time we
7 are going to adjourn for the evening. Please remember, you're
8 not to discuss this case with anyone nor permit anyone to speak
9 with you. Everything learned about the case is learned within
10 the courtroom.

11 We will have the same schedule tomorrow. That is, we
12 will begin precisely at 10:00 a.m. I would ask that you make
13 your way into the building, be ready to come into the courtroom
14 at 10:00. And we'll proceed till 5:00 p.m. tomorrow.

15 Have a pleasant evening and I'll see you tomorrow
16 morning.

17 (Jury not present, 5:04 p.m.)

18 THE COURT: Thank you, Mr. Kleiman. You can go ahead
19 and have a seat.

20 Is there anything that we need to discuss at this
21 time?

22 MR. BRENNER: Nothing from the Plaintiffs, Your Honor.

23 MR. RIVERO: Judge, there is one matter that I would
24 like to raise now. I'm not sure that I know how to react to
25 it. And I don't know if Mr. Kleiman should be present for

1 discussion about discovery issues.

2 But there's testimony concerning an email that --

3 THE COURT: Go ahead and have a seat.

4 And Mr. Kleiman, you can go ahead and join counsel.

5 Yes. Mr. Kleiman did testify with regard to an email.

6 And Mr. Brenner, what email is that, sir? Has that
7 been provided in discovery?

8 MR. BRENNER: What I thought I heard him say, there's
9 an -- you want to come sit down, Mr. Kleiman?

10 MR. FREEDMAN: Can we just have a minute to confer
11 with Mr. Kleiman?

12 MR. RIVERO: Well, Judge, actually, I prefer to know
13 what happened.

14 THE COURT: Which email is it? And was it provided in
15 discovery? I think that's a simple question.

16 MR. BRENNER: I honestly don't know exactly. There's
17 an email. I can guess, but I don't know. I thought he said --
18 I thought what he said is: "I'm in possession of an email from
19 which one of Dave's friends" --

20 MR. RIVERO: Judge, I object. Look, I'd like to know
21 what the truth is in this matter. And if he consults with
22 counsel, I'm not sure we're going to get that.

23 THE COURT: All right. Has that email been provided
24 to the Defendant?

25 MR. BRENNER: Your Honor, it's impossible -- I can

1 only -- you heard the testimony. I can't answer the question.
2 I'll tell you what I think the email is.

3 THE COURT: Well -- but what you think the email is,
4 was that one that was provided?

5 MR. BRENNER: Yes. In fact, it was introduced
6 today -- maybe yesterday.

7 MR. RIVERO: Can I get a number? Can I get a number?

8 THE COURT: Then let's reference the exhibit number so
9 that we can address this once and for all.

10 MR. BRENNER: Okay. So what is the email? So it's --
11 can I get a -- I'm going to get a number.

12 (Pause in proceedings.)

13 MR. BRENNER: Can I put it up, Your Honor, if we find
14 it?

15 THE COURT: Yes. What exhibit number is it?

16 MR. BRENNER: It's 122, I believe, or 133.

17 (Pause in proceedings.)

18 MR. RIVERO: Judge, and I'm sorry to -- if I can just
19 say to the Court I apologize any time I forget about the mask,
20 but it's so tiresome at this point.

21 THE COURT: Not a problem.

22 And let me say that Exhibit 133 -- 135?

23 MR. BRENNER: No, Judge. I'll get the number. Let me
24 pull it up.

25 THE COURT: Right. Because it's not 133. And it's

1 not 135.

2 MR. BRENNER: I'll get it, Judge.

3 Pull up -- pull up -- it's either -- both 122 and 867.

4 MR. ROCHE: 867.

5 (Pause in proceedings.)

6 THE COURT: Ah, all right.

7 MR. BRENNER: Is it up, Your Honor?

8 THE COURT: That was Patrick Paige's email?

9 MR. BRENNER: Patrick Paige saying that --

10 MR. RIVERO: Could I see the --

11 THE COURT: All right. It's --

12 MS. MCGOVERN: It's 2014.

13 MR. RIVERO: But Judge, this is -- well --

14 THE COURT: All right. Here's what I would suggest,
15 because there's no need to -- the testimony is the testimony.

16 If, in fact, Mr. Brenner, that is the email that you
17 believe that Mr. Kleiman is referring to, I would make sure
18 that that is. If there is something that is more recent than
19 that one from Patrick Paige, then you're to provide it
20 forthwith to Mr. Rivero. And what we'll do is we'll plan on
21 being here at 9:45 tomorrow morning to address any discovery
22 issues.

23 MR. BRENNER: So I have permission to talk to the
24 witness to find out what that was?

25 MR. RIVERO: I have no objection, Your Honor.

1 MR. BRENNER: Yes. Okay. Yes. I will do that.

2 THE COURT: Let's figure out what exhibit --

3 MR. BRENNER: Absolutely. Absolutely.

4 THE COURT: -- he's referring to or what email. I
5 don't know if it is an exhibit.

6 MR. BRENNER: Yep.

7 MR. RIVERO: Judge, I think this process is correct
8 because if it's this email, then I have what I need to cross
9 and it was produced. That's fine. I'll get it.

10 MR. BRENNER: But I will find out.

11 THE COURT: Okay. Is there anything else that we need
12 to address this evening?

13 MR. RIVERO: No. Thank you very much.

14 THE COURT: All right. Take your time. We do not
15 have anything in the morning. So you can certainly keep your
16 items here and I'll see you at -- I'm going to see you at 9:45
17 just in case.

18 MR. BRENNER: Yes. Yes.

19 Thank you, Judge. Have a great night.

20 (Proceedings adjourned at 5:09 p.m.)

21

22

23

24

25

1 UNITED STATES OF AMERICA)

2 ss:

3 SOUTHERN DISTRICT OF FLORIDA)

4 C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in
6 and for the United States District Court for the Southern
7 District of Florida, do hereby certify that I was present at
8 and reported in machine shorthand the proceedings had the 3rd
9 day of November, 2021, in the above-mentioned court; and that
10 the foregoing transcript is a true, correct, and complete
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages
13 1 - 193.

14 IN WITNESS WHEREOF, I have hereunto set my hand at
15 Miami, Florida this 11th day of November, 2021.

16
17 /s/Yvette Hernandez
18 Yvette Hernandez, CSR, RPR, CLR, CRR, RMR
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COURTROOM DEPUTY:

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24/15 82/10

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100/4 100/14	118/18 119/8 119/9	164/1
103/23 111/1	119/11 119/13	wheelchair [1]
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151/15 152/5 152/8	119/24 121/7	when [72] 12/24
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165/16 166/1	122/5 122/9 122/10	23/4 26/3 26/6
166/23 167/4 173/3	122/11 122/15	27/16 29/9 34/15
178/13 180/9 185/2	123/4 123/6 123/11	35/11 35/20 35/23
186/8 187/23	123/18 130/6	37/9 40/8 43/14
189/12 190/3	135/24 136/25	44/23 49/16 53/1
191/13	137/21 140/8 141/3	55/18 58/12 63/5
went [15] 11/11	141/4 141/10	63/10 63/17 66/13
31/22 72/21 79/1	141/19 144/15	69/13 69/17 72/24
109/23 110/5	144/22 145/18	74/8 75/10 77/3
110/10 119/11	145/20 146/4	78/14 95/16 95/18
123/13 131/5 142/4	146/10 146/16	98/5 101/19 107/23
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were [134] 9/6	149/13 149/13	112/10 112/12
22/19 22/19 27/8	154/4 154/22 155/7	112/18 113/4
27/10 28/1 28/5	156/24 159/3 159/5	115/11 116/4

W	123/11 138/24	132/3 139/20
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when... [25]	which [45] 9/5	147/17 156/24
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121/7 121/17	16/19 26/13 32/9	167/7 177/8 178/8
121/19 121/21	33/5 38/21 39/3	who's [1] 183/4
122/12 123/8	43/9 45/17 53/4	whole [4] 27/15
123/12 127/4	54/20 56/8 64/22	52/8 63/5 96/13
139/20 141/10	65/6 70/20 75/22	whom [10] 40/21
141/14 141/18	82/8 83/20 86/7	60/15 65/12 67/21
141/22 142/11	91/25 95/9 96/6	82/25 100/8 126/20
147/13 152/16	98/6 102/12 102/18	126/22 133/16
156/8 159/5 163/16	103/1 104/6 105/1	133/16
167/20 185/17	106/18 118/4	whose [1] 68/9
187/11 187/21	124/20 132/1 134/9	why [39] 7/18 14/5
where [45] 27/16	135/8 135/15 139/2	14/6 15/9 16/22
28/17 31/17 37/18	145/16 167/22	23/15 27/14 47/20
46/12 50/9 51/21	172/1 173/5 189/14	48/13 52/8 53/22
56/24 57/1 63/23	189/19	55/10 55/10 62/13
68/11 69/9 70/6	while [8] 8/24	63/14 78/3 84/17
72/22 81/14 87/20	10/20 71/20 109/2	87/6 87/7 95/15
87/20 91/10 92/14	113/5 162/2 162/6	102/11 103/23
97/17 97/20 105/6	162/8	107/15 107/16
112/23 113/14	white [1] 24/5	107/23 128/20
121/3 121/4 122/14	whitepaper [9]	130/6 134/11
136/9 137/19	48/2 48/8 49/6	135/23 136/14
138/22 140/16	50/2 171/16 171/20	142/14 148/3
144/14 145/19	173/25 184/18	159/22 160/13
146/2 146/4 155/4	184/22	160/15 165/15
155/14 155/24	who [54] 5/14 10/8	167/15 167/20
156/4 162/17	13/3 16/17 19/23	176/11
175/16 177/2 180/3	20/6 22/19 27/24	wife [8] 97/21
185/7 186/8	32/2 34/13 35/9	98/3 98/3 98/6
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WHEREOF [1] 193/14	74/18 76/5 76/10	will [57] 10/3
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39/3	86/22 96/14 101/20	14/20 16/12 17/9
whether [17] 19/3	103/9 104/15 105/4	17/10 19/11 19/24
26/14 49/3 50/10	105/8 105/13 106/5	20/6 21/7 21/21
56/5 68/24 68/25	116/18 119/16	23/22 24/4 33/2
69/24 74/21 74/21	119/18 126/9 126/9	33/6 33/18 33/20
96/1 98/14 122/11	128/2 128/4 131/13	33/24 34/3 34/11

W	15/14 16/17 20/3	work-related [1]
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will... [35] 34/17	44/18 50/17 58/6	worked [3] 31/16
39/8 41/23 41/25	58/16 60/6 72/18	47/11 186/8
50/20 57/12 58/18	84/25 90/24 93/9	working [10] 75/15
62/5 70/7 79/25	100/15 101/4	75/16 75/17 144/14
83/24 84/18 99/9	104/16 111/18	144/25 148/1
99/11 99/13 127/10	111/19 133/7	148/21 167/5
127/14 129/24	142/22 143/14	170/19 184/2
140/18 140/19	155/19 155/21	working on [1]
147/11 151/2	156/11 173/2	75/16
151/18 157/15	173/16 173/20	world [3] 55/2
163/7 176/1 176/4	173/20 174/14	134/20 140/18
176/5 176/7 176/14	191/24 193/14	worse [1] 10/6
176/15 188/11	witness's [1]	worth [4] 104/9
188/12 192/1	16/23	104/12 104/12
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19/23	won't [1] 11/13	15/23 16/6 16/8
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117/13 117/13	123/23	23/9 23/12 35/9
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118/15	147/5	47/12 48/15 50/5
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117/13	131/14 145/20	55/18 57/9 58/5
Windows 8 [1]	word [10] 55/11	60/5 61/12 61/17
118/15	65/19 107/11	61/18 62/16 63/23
wise [1] 126/14	144/13 165/23	66/25 73/18 75/2
wish [1] 12/13	166/23 166/24	80/10 85/10 88/14
withheld [1] 164/5	183/9 186/19	89/25 90/5 90/14
within [2] 49/23	187/24	93/12 94/2 96/13
188/9	words [5] 7/14	99/3 100/6 101/24
without [23] 11/7	136/2 144/22 179/9	103/18 107/15
36/13 36/14 36/18	184/24	107/16 107/23
40/20 50/24 52/14	work [17] 16/13	111/21 114/11
52/23 53/17 55/15	17/1 17/6 17/11	114/22 117/6 117/8
55/19 60/12 61/9	59/1 81/1 120/8	123/24 128/3
80/1 90/1 98/22	121/11 121/13	130/12 131/14
101/7 101/11 126/2	121/13 122/5	131/20 132/15
133/5 133/9 134/20	123/12 145/8	132/17 133/19
143/25	166/15 182/4	138/9 138/24
witness [34] 14/18	182/11 182/21	139/13 143/23

<p>W</p> <p>USCA11 Case: 22-11150 Document: 53-5 Date Filed: 11/30/2022 Page: 103 of 254</p> <p>would... [23]</p> <p>144/5 164/6 168/5</p> <p>170/14 170/21</p> <p>170/24 171/25</p> <p>172/7 173/5 177/8</p> <p>177/18 177/25</p> <p>179/2 180/13</p> <p>181/21 181/22</p> <p>181/22 182/6 185/4</p> <p>188/12 188/23</p> <p>191/14 191/17</p> <p>wouldn't [5]</p> <p>151/20 170/23</p> <p>171/1 182/6 182/8</p> <p>wrap [1] 108/25</p> <p>WRIGHT [194]</p> <p>Wright's [9] 25/21</p> <p>46/18 95/9 97/24</p> <p>98/3 98/6 122/20</p> <p>134/24 141/8</p> <p>write [5] 54/10</p> <p>54/22 54/25 95/11</p> <p>128/12</p> <p>writes [1] 49/8</p> <p>writing [10] 47/21</p> <p>48/1 75/8 132/13</p> <p>134/12 154/20</p> <p>158/20 158/23</p> <p>184/18 184/21</p> <p>written [6] 43/2</p> <p>153/16 158/14</p> <p>159/13 181/1 181/4</p> <p>wrong [2] 103/5</p> <p>171/13</p> <p>wrote [8] 46/17</p> <p>48/3 75/10 76/13</p> <p>79/13 79/14 151/24</p> <p>167/25</p>	<p>28/25 30/3 30/10</p> <p>37/1 41/13 48/4</p> <p>44/25 52/1 53/16</p> <p>60/21 69/21 74/23</p> <p>75/2 91/16 110/8</p> <p>111/3 111/8 112/9</p> <p>113/8 113/13 116/8</p> <p>117/20 117/22</p> <p>120/19 123/14</p> <p>123/25 127/12</p> <p>130/1 135/5 136/24</p> <p>147/25 152/1</p> <p>152/16 156/14</p> <p>159/7 160/12 162/5</p> <p>167/18 175/12</p> <p>176/3 176/10</p> <p>177/18 177/24</p> <p>179/2 183/16 185/6</p> <p>187/15 187/19</p> <p>year [5] 29/1</p> <p>30/11 30/19 139/21</p> <p>164/24</p> <p>years [11] 28/23</p> <p>29/5 29/18 31/10</p> <p>88/1 142/12 176/5</p> <p>176/23 178/6 186/3</p> <p>186/7</p> <p>Yep [1] 192/6</p> <p>yes [353]</p> <p>yesterday [12] 6/7</p> <p>22/15 22/22 23/16</p> <p>27/10 31/25 31/25</p> <p>41/11 121/4 174/15</p> <p>174/18 190/6</p> <p>yet [5] 93/11</p> <p>99/14 139/3 140/17</p> <p>172/9</p> <p>you [1127]</p> <p>you'd [1] 173/1</p> <p>you'll [1] 72/24</p> <p>you're [37] 4/8</p> <p>9/19 14/14 15/18</p> <p>19/16 19/18 37/10</p> <p>47/25 48/6 60/9</p>	<p>71/21 77/9 85/4</p> <p>107/9 117/21</p> <p>132/13 144/22</p> <p>152/9 152/10 155/1</p> <p>155/4 155/8 155/15</p> <p>156/4 156/17</p> <p>156/21 169/5 179/3</p> <p>179/21 179/25</p> <p>180/6 182/9 182/23</p> <p>183/4 186/5 188/7</p> <p>191/19</p> <p>you've [9] 44/23</p> <p>72/24 82/19 99/14</p> <p>113/10 158/1</p> <p>160/14 175/6 184/7</p> <p>young [2] 77/20</p> <p>125/18</p> <p>your [367]</p> <p>yours [4] 46/25</p> <p>55/1 55/3 134/17</p> <p>yourself [10]</p> <p>24/22 25/8 38/16</p> <p>38/16 47/7 64/6</p> <p>64/9 64/10 64/13</p> <p>166/21</p> <p>yvette [6] 2/7 2/9</p> <p>193/5 193/17</p> <p>193/17 193/19</p> <p>Z</p> <p>ZACK [2] 1/17 5/11</p> <p>ZALMAN [2] 1/22</p> <p>5/23</p> <p>zone [1] 96/22</p> <p>zoom [6] 2/2 4/17</p> <p>4/21 4/22 6/5</p> <p>140/5</p> <p>Zuckerberg [1]</p> <p>165/16</p>
<p>Y</p> <p>yahoo.com [1]</p> <p>41/21</p> <p>yeah [49] 18/9</p>		

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
CASE NO. 9:18-cv-80176-BB

IRA KLEIMAN, as the personal representative
of the Estate of David Kleiman, and W&K Info
Defense Research, LLC,

Plaintiffs,

November 4, 2021
9:43 a.m.

vs.

CRAIG WRIGHT,

Defendant.

Pages 1 THROUGH 293

TRANSCRIPT OF TRIAL DAY 4
BEFORE THE HONORABLE BETH BLOOM
UNITED STATES DISTRICT JUDGE
And a Jury of 10

Appearances:

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I N D E X

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W I T N E S S

ON BEHALF OF THE PLAINTIFF: PAGE

IRA KLEIMAN
CONTINUED CROSS-EXAMINATION BY MR. RIVERO 15

E X H I B I T S

EX. NO.:		OFFERED	ADMITTED
Plaintiffs'	420	35	35
Defendant's	18	64	65
Defendant's	19	72	72
Defendant's	301	79	79
Defendant's	302	83	83
Defendant's	303	85	85
Defendant's	481	92	92
Defendant's	396	92	93
Defendant's	58	95	95
Defendant's	15	97	97
Defendant's	257	101	101
Joint	103	106	107
Defendant's	284	108	109
Defendant's	489	116	116
Joint	31	119	119
Plaintiffs'	2	121	122
Defendant's	161	129	130
Defendant's	10	137	137
Joint	1	139	140
Defendant's	11	142	142
Plaintiffs'	424	148	149
Defendant's	67	152	153
Defendant's	252	165	165
Joint	21	168	168
Defendant's	8	171	172
Defendant's	256	205	206
Defendant's	40	210	210
Joint	99	212	212
Joint	98	219	219
Joint	97	221	222
Defendant's	357	238	239
Defendant's	359	242	242
Defendant's	360	243	244
Plaintiffs'	157	247	248

E X H I B I T S (Continued)

EX. NO.:		OFFERED	ADMITTED
Joint	48	253	253
Defendant's	289	254	254
Joint	49	255	255
Defendant's	45	256	257
Joint	31	257	257
Defendant's	46	263	263
Defendant's	488	270	270

1 (Jury not present, 9:43 a.m.)

2 THE COURT: Good morning to everyone.

3 MR. BRENNER: Good morning, Judge.

4 THE COURT: Good morning.

5 MR. BRENNER: I think it was my turn --

6 THE COURT: If I could -- let me just, before we
7 proceed, I just want the case to be called.

8 MR. BRENNER: Okay.

9 COURTROOM DEPUTY: Calling Case Number 18-cv-80176,
10 Kleiman v. Wright.

11 Counsel, please state your appearances beginning with
12 the Plaintiff.

13 MR. BRENNER: Good morning, Your Honor. Andrew
14 Brenner on behalf of the Plaintiffs.

15 MR. FREEDMAN: Good morning, Your Honor. Vel Freedman
16 on behalf of the Plaintiffs.

17 MR. ROCHE: Good morning, Your Honor. Kyle Roche on
18 behalf of the Plaintiffs.

19 MR. ZACK: Steve Zack on behalf of the Plaintiffs.

20 MS. LICATA: Samantha Licata on behalf of the
21 Plaintiffs.

22 MR. BRENNER: And at counsel table, Your Honor, is
23 Ira Kleiman, as personal representative of the estate of Dave
24 Kleiman. And Dorian Vela, who is helping us with graphics.

25 THE COURT: Good morning.

1 MR. RIVERO: Good morning, Your Honor. Andres Rivero
2 for Dr. Wright. Dr. Wright is present.

3 And also sitting with us will be Amit Shah and Sarah
4 Gonzalez, a paralegal, Your Honor.

5 THE COURT: All right. Good morning to each of you as
6 well.

7 MS. MCGOVERN: Good morning, Your Honor. Amanda
8 McGovern for Dr. Wright.

9 MR. KASS: Good morning, Your Honor. Zalman Kass on
10 behalf of Dr. Wright.

11 MR. MESTRE: Jorge Mestre on behalf of Dr. Wright.
12 Good morning, Your Honor.

13 THE COURT: Hi. Good morning, once again. Please be
14 seated.

15 Are there items that we need to address this morning?

16 MR. BRENNER: Yes, Your Honor. At the conclusion of
17 court yesterday, you'll recall -- let me step back five minutes
18 from the conclusion of court.

19 During the cross-examination of Mr. Kleiman,
20 Mr. Rivero asked if he had ever had conversations with any of
21 Dave's friends, something to that effect, about whether Dave
22 was the co-creator of Bitcoin.

23 And Ira Kleiman told him that, yes, he had, and that
24 he had an email with a friend. And he describes the email as
25 follows: He says: "It was first a telephone conversation" --

1 and I'm reading from the rough transcript, Your Honor. "And
2 then he followed it up with an email where he said that he,
3 based upon the discussions with -- that he had with Dave --
4 that he believed he had with -- Dave and Craig were the
5 co-creators of Bitcoin."

6 And he follows -- he also adds that it had to do with
7 him telling him about the Thanksgiving dinner -- Ira telling
8 the witness -- the person.

9 So you asked us -- you asked me at the end of court
10 what it was and I -- as I always do with due candor, I said I
11 didn't know what he was talking about. And so you asked me to
12 investigate and report back to the Court, which I'm doing now.

13 So Mr. Kleiman was referring to -- would you like a
14 hard copy or should I put it up on the screen?

15 THE COURT: Is it the exhibit that is already in
16 evidence?

17 MR. BRENNER: No -- yes, it's a different exhibit.

18 THE COURT: All right. Then, yes, I would.

19 And has Mr. Rivero been provided a hard copy?

20 MR. BRENNER: Yes.

21 THE COURT: Well, he's shaking his head no.

22 MR. BRENNER: Well, it was emailed to him last night.

23 MR. RIVERO: Judge, I am really from the paper
24 generation, Judge. I'll have to look at my email.

25 MR. BRENNER: No. I emailed him last night, as Your

1 Honor instructed us to do.

2 THE COURT: All right. Could you get a copy for me?

3 So this has not been provided in discovery?

4 MR. BRENNER: No. If I could, I'll explain.

5 THE COURT: All right.

6 MR. BRENNER: So this is -- I'll wait till Your Honor
7 has it.

8 (Pause in proceedings.)

9 MR. RIVERO: I apologize, Your Honor. I believe that
10 what Mr. Brenner is saying -- but we're looking for such an
11 email, but don't know of it right now. So we're seeing the
12 document right now.

13 MR. BRENNER: Your Honor, that's just --

14 THE COURT: Right. Hard copy or email, were you
15 provided the document?

16 MR. BRENNER: Your Honor, I think this --

17 THE COURT: Mr. Rivero, were you provided the document
18 previously?

19 MR. RIVERO: Judge, this was produced. What I'm
20 looking for is to know -- I just right now learned what it is
21 that they claimed what he was referring to.

22 THE COURT: I'm sorry. What's identified as an email
23 from May 17th, 2016, were you provided this last night?

24 MR. RIVERO: Not that I know of right now, Judge. And
25 Ms. McGovern is saying she didn't see it -- and Mr. Kass is

1 saying. I'll confirm that in a moment.

2 MR. BRENNER: Okay. Your Honor, I have an email to
3 both of them at --

4 THE COURT: All right. Well, you may have sent the
5 email. Perhaps they didn't receive it.

6 MR. BRENNER: Okay.

7 THE COURT: But for what it's worth, it's here now.

8 MR. BRENNER: Okay. It's here now. It was sent to
9 them -- I think it's 8:00 exactly when I found out -- 9:00,
10 whatever it is. It's an email to both of them. And if I need
11 to be sending emails to someone else other than the two lead
12 counsel that will see it, then I'm happy to do it, but that's
13 who I sent it to.

14 So it's P767, which, first of all, tells you it's on
15 the exhibit list. It's an email from Mr. Andreou -- Andreou --
16 I don't know how to pronounce it correctly -- which is someone
17 that the Defendant has promised they are bringing in as a
18 witness in the case.

19 Mr. Andreou, Your Honor will learn if he testifies,
20 is -- was a long-time friend of Dave Kleiman. In the
21 testimony, there was a reference to Dave working at Security
22 Lock [sic] in the early 2000s. I believe that's where he meets
23 Mr. Andreou. They work together and they become very close
24 friends. So that's who Mr. Andreou is.

25 This is an email. It's P767. It was produced in the

1 case twice. It was produced by Kimon, and that's the Bates
2 stamp that's on our trial list. It was also produced by
3 Mr. Kleiman or by us.

4 So no question it was produced. No question it's on
5 the trial exhibit list. So -- and then as far as the content
6 of it, it's exactly what Mr. Kleiman described.

7 THE COURT: All right. Then that's the end of the
8 issue.

9 MR. BRENNER: Well, I think it ends the issue. But
10 from my perspective at least -- and lawyers perceive things
11 differently than jurors -- but from my perspective -- from my
12 perspective, there was a strong insinuation made in front of
13 the jury that one of two things happened: Either he made this
14 up, the email, or that we had it and hid it from them, neither
15 of which is true. And so I don't know how to remedy that.

16 THE COURT: Well, you have an opportunity to redirect
17 your own witness.

18 MR. BRENNER: I will do that, Your Honor.

19 THE COURT: All right.

20 So Mr. Kleiman, come on forward, sir.

21 Do we have the jury ready to go?

22 Can you advise -- Liz, did we call the jurors?

23 (Pause in proceedings.)

24 THE COURT: Mr. Kleiman, go ahead and have a seat,
25 sir.

1 I'm rushing, thinking we're going to begin now.

2 All right. We're still waiting for two jurors. My
3 apologies.

4 (Pause in proceedings.)

5 THE COURT: All right. With regard to the witnesses
6 that are expected to testify today after Mr. Kleiman, who else
7 is the Plaintiff calling?

8 MR. BRENNER: So someone -- depending on the length of
9 the cross-examination, but the only other possible live witness
10 is Dr. Wright.

11 The other potential witnesses, it's two videos. One
12 is Andrew O'Hagan. He's the author of the London article.
13 Jonathan Warren, I don't think you've heard too much about
14 him --

15 (Court reporter interruption.)

16 MR. BRENNER: Jonathan Warren, he's -- Mr. O'Hagan's
17 about an hour, I think, maybe slightly less. Jonathan Warren I
18 think, about 25 minutes. I think.

19 And then we have a read of a deposition. And that's
20 of Ramona Watts, who is Dr. Wright's wife. Best estimation on
21 that, Your Honor, is about 80, 8-0.

22 So I think if we go with Mr. Kleiman until lunch, it's
23 highly likely that we then fill up the rest of the afternoon
24 with two and a half hours of that stuff.

25 THE COURT: All right. And are there any issues with

1 regard to any of the anticipated witnesses?

2 MR. RIVERO: Not from our perspective, Your Honor.

3 MR. FREEDMAN: Your Honor, just one last matter, which
4 is the Plaintiffs would like to move into evidence the exhibits
5 referenced in the depositions that have played to date.

6 THE COURT: All right. I'm going to need to have a
7 list of those precise exhibits.

8 MR. FREEDMAN: How would you like -- I have a list
9 here, Your Honor, but how would you like me -- what's the best
10 way to get it to you?

11 THE COURT: Well, there were several witnesses that
12 testified by video. So if you can -- with regard to each of
13 the witnesses and the corresponding exhibit number on either
14 the Plaintiffs' exhibit list, the Defendant's exhibit list, or
15 the joint exhibit list.

16 MR. FREEDMAN: I've got that all here. It's on paper.
17 It includes some of the witnesses that have not yet played.
18 It's just a list of all the exhibits referenced in the
19 depositions. Happy to give that to the Court or I can prepare
20 a separate, you know, filing for the Court.

21 THE COURT: Has that been provided to Ms. McGovern?

22 MR. FREEDMAN: The list that I --

23 MS. MCGOVERN: No, Your Honor.

24 MR. FREEDMAN: The list that I was handed this morning
25 by my associate hasn't been provided to Ms. McGovern. But

1 Ms. McGovern has a list of all the exhibits because they're
2 referenced in the --

3 THE COURT: All right. Well, you're not resting your
4 case now. So why don't you provide it to Ms. McGovern so she
5 can review it so that we can have an opportunity, if we need
6 to, to address any issues with regard to those exhibits.

7 MS. MCGOVERN: Thank you, Your Honor.

8 MR. FREEDMAN: Yes, Your Honor. We'd like them ruled
9 on prior to the -- sorry. We'd like them ruled on prior to the
10 cross-examination of Dr. Wright.

11 THE COURT: To your direct examination or to the
12 cross-examination in the Defendant's case?

13 MR. FREEDMAN: To the direct examination of a hostile
14 witness, Your Honor.

15 THE COURT: All right. Then may I have a copy of
16 what's being provided to Ms. McGovern so that I can review each
17 of the exhibits?

18 MS. MCGOVERN: Your Honor, I advised Plaintiffs'
19 counsel that we would look at this as soon as we possibly can
20 and review any objections to the exhibits referenced in the
21 depo clips. We're doing it as quickly as we can. We would
22 just like a little time because I'm just getting this now.

23 THE COURT: Yes, of course.

24 MS. MCGOVERN: Thanks.

25 THE COURT: That's understandable and that's fair.

1 MR. BRENNER: Your Honor, since it's still a couple
2 minutes before 10:00, and I don't want to waste the jury's
3 time, on P767, which is what we had up before, there are parts
4 of the email that would need to be redacted because they
5 violate one of Your Honor's rulings on a motion in limine.
6 So --

7 THE COURT: Do you have a redacted copy that you can
8 show?

9 MR. BRENNER: I'm going to do it right now and I'll
10 hand it to them. So they can --

11 THE COURT: All right. Just let me know at the
12 appropriate time.

13 Let me suggest that either -- well, depending upon
14 where we are, but I want to make sure that we're consistent in
15 terms of our breaks so that the jury can appreciate when it's
16 time for a break.

17 So approximately 11:25. We would then break at
18 approximately 1:00 for an hour. And then in the afternoon at
19 approximately 3:15, 3:30.

20 MR. BRENNER: Yeah. I'll propose redactions to them
21 and I'm sure -- I don't think we're going to have a
22 disagreement on it.

23 THE COURT: All right. Then the two items that I do
24 need now -- or first is I do need the list of exhibits you're
25 seeking to introduce through the video depositions. And then

1 once you have the redacted P767, if you'll provide that to the
2 Court as well.

3 MR. BRENNER: Yeah. Let me work with counsel.

4 MR. FREEDMAN: Your Honor, and I just explained to the
5 courtroom deputy that this is a list of all exhibits that are
6 in any video deposition. But the ones that have not yet been
7 played or presented to the jury are annotated and the ones that
8 are circled are the ones we need rulings on.

9 THE COURT: Okay. All right, then. How we doing with
10 our --

11 COURT SECURITY OFFICER: Last time I checked, we --

12 THE COURT: One more.

13 (Pause in proceedings.)

14 THE COURT: Are both sides ready to proceed?

15 MR. FREEDMAN: Yes, Your Honor.

16 I'm sorry. Just the list I handed up, can you just
17 confirm with me that next to Ms. Kobza's name it says: "Not
18 played yet"? I believe it does, but I saw a copy that was
19 missing that handwritten annotation.

20 THE COURT: Yes. It says: "Not played yet."

21 MR. FREEDMAN: Okay. I have an extra copy if the
22 Court would like a second copy.

23 THE COURT: I only need one.

24 MR. FREEDMAN: Okay.

25 THE COURT: All right. Both sides ready to proceed?

1 MR. RIVERO: Yes, Your Honor.

2 THE COURT: On behalf of the Plaintiffs?

3 MR. BRENNER: Yes, Your Honor.

4 THE COURT: All right, then. Let's bring in the jury.

5 (Before the Jury, 9:56 a.m.)

6 THE COURT: Good morning, Members of the Jury. Please
7 be seated. It's good to see each of you. You are so
8 conscientious and you were here early, that we're able to start
9 early.

10 So we're ready to get to work. Mr. Kleiman is back on
11 the witness stand.

12 Let me remind you, sir, you were previously placed
13 under oath and we will continue with the direct examination
14 [sic].

15 CROSS-EXAMINATION [CONTINUED]

16 BY MR. RIVERO:

17 Q. Good morning, Mr. Kleiman.

18 A. Good morning.

19 Q. You saw the opening statement, correct?

20 A. Yes.

21 Q. Your lawyer wrote this up as a time frame that was relevant
22 for the case, correct?

23 A. Yes.

24 Q. I'd like to make sure that we have the correct time frames
25 in the case, sir.

1 Your complaint alleges that Dr. Craig Wright invited
2 David Kleiman to participate in a project having to do with
3 Bitcoin, BitCash, et cetera, on March 12, 2008; isn't that
4 right?

5 A. I don't recall exactly how the complaint was written. That
6 was done by my lawyers.

7 MR. RIVERO: Mr. Shah, if you could show -- if you
8 could show the -- Paragraph 30 of the second amended complaint.
9 And I'd like this to be shown to the jury as well.

10 And I'm sorry. I have the wrong paragraph.

11 Mr. Shah, if you could show Paragraph 55 of the second
12 amended complaint.

13 BY MR. RIVERO:

14 Q. Does this refresh your recollection that you allege that in
15 March of 2008 Craig Wright emailed Dave saying: "I need your
16 help editing a paper," et cetera, as it's stated there? Do you
17 remember that?

18 A. Yes. I remember seeing that email.

19 Q. Yeah. You've seen the email as well, right?

20 A. Yes.

21 Q. And from recollection, do you recall that it's on March 12,
22 2008?

23 A. It looks right.

24 Q. Okay. So sir, nonetheless, March 2008 is the first date
25 that your complaint says that Wright communicates with Kleiman

1 about Bitcoin, right?

2 A. Okay.

3 Q. Well, sir, you see it in front of you, don't you?

4 A. Yes. This is what my attorneys drafted, yes.

5 Q. All right. Your attorneys represent you, don't they?

6 A. Yes.

7 Q. You've read the complaint, have you not?

8 A. I suppose at some time I did, yes.

9 Q. Okay, sir. Then there's a second date that's critical --
10 and this case is helpful because the dates tend to coincide
11 with dates we can remember. The second date that's critical is
12 February 14, Valentine's Day, 2011. And that's the day that
13 W&K Info Defense, LLC is formed as a corporation in Florida,
14 right?

15 A. Yes.

16 Q. Okay. Now, then, of course, we know that David Kleiman
17 dies in April 2013, correct, Mr. Kleiman?

18 A. Yes. That's correct.

19 Q. But regrettably, we don't know exactly what day
20 David Kleiman died, correct?

21 A. I didn't hear that.

22 Q. We don't know exactly what day David Kleiman died, do we?

23 A. That's correct.

24 Q. All right. We use the 26th because that's the day he was
25 found, correct?

1 A. Right.

2 Q. So I'll just put 26th for working purposes.

3 Now, then, after that, from that date, the next date that
4 your lawyer referred to, which I do think is an important date,
5 is February -- and I'm going to get the exact date -- 2018,
6 right? That's when you filed the lawsuit in this case?

7 A. Yes. That's correct.

8 MR. RIVERO: Judge, one moment.

9 (Pause in proceedings.)

10 BY MR. RIVERO:

11 Q. Subject to a correction from you or anyone else,
12 Mr. Kleiman, isn't it the case it's February 18, 2018 that you
13 filed this lawsuit?

14 A. Yes. That sounds right.

15 Q. All right. So what's missing in this timeline, would you
16 agree with me, is that there's no -- this timeline that your
17 lawyers showed just shows 2008 to 2013 straight through, right?

18 A. Uh-huh. Yes.

19 Q. But there's -- this is a -- we're just going to -- this is
20 a Craig Wright email.

21 This is W&K.

22 This is Dave Kleiman's death.

23 And this is the lawsuit, correct?

24 A. Yes.

25 Q. All right. Now --

1 MR. BRENNER: Your Honor, may I just come around and
2 see that?

3 BY MR. RIVERO:

4 Q. I want to go back to the logo. He pulled a business card
5 out and he drew a "B" with a single line through it like this
6 or something like this, right?

7 A. Yes. That's what I recall.

8 Q. But your testimony is he just showed it and he didn't speak
9 about it; he just showed you the card, right?

10 A. I -- when did I testify to that?

11 Q. Yesterday.

12 A. No. Do you remember, I drew the "B" on the card for you?

13 Q. Correct. My question is --

14 A. Is that not part of my testimony?

15 Q. Right. When he showed it to you, he didn't say anything
16 about it, he just showed it to you?

17 A. Oh, yes. That's correct. Yes.

18 Q. And -- but what he was telling you was that he was
19 inventing money. And then when you said: "Counterfeit," he
20 said: "Digital currency." Right?

21 A. Right.

22 Q. Sir, but this doesn't say: "M" for "money," does it?

23 A. No.

24 Q. It doesn't say: "DC" for "digital currency." Right?

25 A. No.

1 Q. And you didn't ask him what the "B" was for?

2 A. I don't believe I did, no.

3 Q. Yeah. It was legibly a "B" that you could see.

4 A. Yes.

5 Q. I want to make sure I understand this story. Your brother
6 says he's doing something bigger than that kid Zuckerberg,
7 right?

8 A. Uh-huh.

9 Q. He's going to do something bigger than Facebook, right?

10 A. Yes.

11 Q. 2009, Facebook's already a big deal, right?

12 A. Yes.

13 Q. And he draws that for you, you don't ask, and he doesn't
14 say anything about it?

15 A. It was a very quick conversation, you know. And yes,
16 that's all he showed me. It just looked like he was working on
17 a logo for this project.

18 Q. But you tell the jury that: "Oh, I thought since I do
19 graphic design and he had sometimes consulted with me about
20 logos, that he intended for me to consult with him on the
21 logo." That's what you said yesterday.

22 A. Yeah. It looked like a potential new project.

23 Q. But you never, that day or later, talked to him and gave
24 him any opinion about this "B" with a line through it, right?

25 A. No, I didn't.

1 Q. You didn't advise him and say: "I like it," or: "Here's
2 something better," right?

3 A. No.

4 Q. Okay. Now, are you aware that the logo you're talking
5 about was actually not in use until later in 2010? Do you know
6 that?

7 A. Um --

8 Q. It's a "yes" or "no," sir.

9 A. Yeah. I'm trying to remember. I think I -- after like
10 looking at the "B" and the line through it, I think I did some
11 research online to try to find out like the history of the
12 logo.

13 Q. And -- okay. I'm glad to hear that, sir.

14 A. So I do recall something in 2010.

15 Q. Yeah. So you know the history of this?

16 A. I remember reading something on a forum, I believe.

17 Q. Right. Because there's a lot of public -- this Bitcoin
18 thing got a lot of online attention and people --

19 A. Right.

20 Q. -- would comment about it. These things were happening out
21 there. The logo wasn't a secret, right?

22 A. Right.

23 Q. And what happened -- isn't it the case that on February 5,
24 2010 -- that's months after this conversation -- this story?

25 A. Yeah, like three months. Yes.

1 Q. Yeah. A fellow named -- or I should say an individual who
2 goes by New Liberty, February 5, 2010, proposed to the world --
3 he said: "Hey, what we're using now isn't very distinctive.
4 Why don't we use a 'B' with a line through it like the Thai
5 baht?"

6 A. Yes.

7 Q. Isn't that right?

8 A. That is right.

9 Q. Did that stick with -- your wife's from Thailand?

10 A. That's correct.

11 Q. So you know what a baht is. That's the currency in
12 Thailand?

13 A. Yes.

14 Q. Right. So to be clear, you know that the person who came
15 up with the new logo, this logo, did so months after the
16 Thanksgiving -- the Turkey Day talk, right?

17 A. I think it was just proposed as a potential logo for
18 Bitcoin.

19 Q. But it wasn't proposed by your brother?

20 A. That -- I mean, that, I don't -- I can just tell you what
21 he drew for me. And then I don't believe my brother ever
22 posted any communications on the forum. It's only other
23 people. You know, he used the anonymous Satoshi Nakamoto
24 email. So ...

25 Q. You're not claiming he's New Liberty, are you?

1 A. No. I know that --

2 Q. You know it was New Liberty who proposed --

3 MR. BRENNER: He's trying to answer the question --
4 objection. The witness is trying to --

5 THE COURT: Give the witness an opportunity to answer
6 the question, please.

7 THE WITNESS: I know who the New Liberty person is,
8 yes.

9 BY MR. RIVERO:

10 Q. You know the person who proposed this was New Liberty?

11 A. I mean, now I know of him, yes.

12 Q. Right.

13 The last time you spoke to David Kleiman in life was in
14 2009, right?

15 A. Correct -- well, no, no. Actually, I shouldn't say that.

16 Q. I said that the wrong way.

17 A. That's the last time I recall seeing him.

18 Q. Are you finished, Mr. Kleiman?

19 A. Yes.

20 Q. Let me restate the question.

21 The last time you saw your brother in person was in 2009?

22 MR. BRENNER: Your Honor, just renew the objection
23 from yesterday on this issue.

24 THE COURT: I'm sorry. The objection is?

25 MR. BRENNER: It violates an order of the Court.

1 THE COURT: Sustained.

2 BY MR. RIVERO:

3 Q. Now, sir, I want to be very clear about some testimony you
4 gave yesterday. There isn't any email anywhere from a friend
5 of David Kleiman's that says that they had any conversation
6 like the one you had with David Kleiman, the turkey-talk; isn't
7 that right?

8 A. Did you receive the new email that they produced to you
9 last night?

10 Q. Oh, I have it, sir, but I want to be real clear. Nobody
11 says they had such a conversation with David Kleiman except for
12 you?

13 A. I don't agree with that.

14 Q. All right, sir. Do you understand that Patrick Paige has
15 already testified here?

16 A. Yes.

17 Q. And you know that Patrick Paige testified that he never
18 talked with David Kleiman about Bitcoin or anything to do with
19 it?

20 A. That's also not correct.

21 Q. Okay. So then that's your testimony.

22 A. No. I can show the email where Patrick says that Dave did
23 discuss Bitcoin with him.

24 Q. Sir, we're going to -- I want to -- we've already heard
25 from Patrick Paige. I don't need -- I'm not asking you your

1 opinion of what Patrick Paige said.

2 A. It's not my opinion. It's a fact.

3 Q. Okay. Sir, do you understand that we're calling Kimon
4 Andreou and he's going to be in this courtroom?

5 A. Yes.

6 Q. And your testimony is that you heard Kimon Andreou tell
7 you: "I had a conversation with David Kleiman when he was
8 alive," like that one you say you had on Thanksgiving, November
9 26th, 2009.

10 A. It's not the exact conversation. But he said something
11 like: "Dave told me something similar. And I chalked it up to
12 that he was just mining Bitcoin."

13 Q. All right, sir. So I guess we'll see what Mr. Andreou has
14 to say about that.

15 Now, nonetheless, based on your personal knowledge, your --
16 you don't have a single statement by David Kleiman in writing
17 during his lifetime that -- that is consistent with your -- in
18 any writing, with your turkey talk?

19 A. No. As I said yesterday, this was supposed to be a
20 secretive project.

21 Q. And your claim, separate from -- in the conversation, the
22 only discussion was that he was inventing money and that he was
23 going to make a digital currency and he was working with a
24 foreigner, right?

25 A. Yes.

1 Q. Not a word about a business partnership?

2 A. I think I brought it up to him. I said: "Why don't you
3 partner with this guy? With his money and your brains, you
4 could be like the next Facebook," or something like that.

5 Q. To which you say he didn't respond?

6 A. That's correct.

7 Q. Okay. So there's not a single text, there's not a single
8 email, there's not a single written document that supports
9 this, isn't that right, during David's life?

10 A. Yes. That's correct.

11 Q. Now, I think I asked you yesterday: You concluded early on
12 that there was no precious treasure to be found, right?

13 A. Are you talking about on his drives or ...

14 Q. In the possession of the estate.

15 MR. BRENNER: Objection. Misstates the testimony,
16 Your Honor.

17 THE COURT: Sustained.

18 Rephrase, please.

19 BY MR. RIVERO:

20 Q. Early on, you concluded that there was no treasure to be
21 had in David Kleiman's devices or his estate, did you not?

22 A. There was no verifiable information that led me to believe
23 that there was any value located on his drives.

24 MR. RIVERO: Your Honor, may I have one moment --

25 THE COURT: Certainly.

1 MR. RIVERO: -- just to locate ...

2 (Pause in proceedings.)

3 BY MR. RIVERO:

4 Q. Sir, let's talk about David Kleiman's -- his -- his
5 background to participate in a project like Bitcoin. Do you
6 understand that Bitcoin involves -- the creation of Bitcoin
7 involved a number of complicated disciplines?

8 A. I -- I don't understand the specifics.

9 Q. You know it involved computer science, right?

10 A. Not really.

11 Q. Okay.

12 A. I've heard it involves like cryptography and maybe
13 encryption. A lot of mathematics and --

14 Q. Math?

15 A. Right.

16 Q. Computing, right?

17 A. Uh-huh.

18 Q. Law; isn't that right?

19 A. I'm not sure about that.

20 Q. All right. Economics, sir? Do you know that it involves
21 economics?

22 A. I would imagine, yeah.

23 Q. Do you understand that the system involves statistics?

24 A. Statistics? I don't know.

25 Q. You don't know.

1 Information security, I think you've referred to that?

2 A. Okay.

3 Q. Involves project management, does it not?

4 A. I suppose.

5 Q. Do you know whether or not it involves engineering?

6 A. I don't know. I don't have any personal knowledge of
7 what's involved in creating Bitcoin.

8 Q. Finance?

9 A. If it involves -- yeah, it's money, so yes.

10 Q. Game theory?

11 A. I don't know.

12 Q. All right. You don't know what a Merkle tree is?

13 A. No.

14 Q. Now, sir, in the case of David Kleiman, I think you and I
15 can agree, he didn't have formal education beyond high school,
16 correct?

17 A. I believe he did attend college. I don't think he
18 graduated. But yes, I believe he attended a college.

19 Q. Let's make sure that we're in agreement. He didn't have a
20 bachelor's, a master's, or a Ph.D. in math, correct?

21 A. No. I don't believe so.

22 Q. He didn't have a bachelor's, a master's, or a Ph.D. in
23 computing, correct?

24 A. No.

25 Q. He didn't have a bachelor's, master's, or a Ph.D. in law?

1 A. No.

2 Q. He didn't have a master's -- a bachelor's, a master's, or a
3 Ph.D. in economics?

4 A. No.

5 Q. He didn't have a bachelor's, a master's, or a Ph.D. in
6 statistics?

7 A. No.

8 Q. He didn't have any of those degrees as to information
9 security, correct?

10 A. Not to my knowledge.

11 Q. He didn't have any of those degrees as to project
12 management, correct?

13 A. Correct.

14 Q. Didn't have a bachelor's, master's, or Ph.D. in
15 engineering?

16 A. No.

17 Q. And he did not have a bachelor's, a master's, or a Ph.D. in
18 finance?

19 A. No.

20 Q. Or in game theory, right?

21 A. Not to my knowledge.

22 Q. And in your personal knowledge, you don't know which of
23 these subjects Mr. -- Dr. Wright has studied to either a
24 college, a master's, or a doctorate level. You don't know that
25 on your personal knowledge, do you?

1 A. I recall looking at his resume at one time. Yeah, I
2 noticed he did have a lot of degrees.

3 Q. Do you know that he has a master's in law?

4 A. Yeah. I think I read something like that, yes.

5 Q. Okay.

6 THE COURT: Mr. Kleiman, if you can just speak up a
7 little bit, sir, just so we can hear you. Thank you.

8 THE WITNESS: Okay. I'm sorry.

9 BY MR. RIVERO:

10 Q. And you know he has a number of degrees?

11 A. Yes, I do.

12 Q. Now, do you remember commenting that you don't know how to
13 do any programming, and to be honest, you didn't know if David
14 did either?

15 A. That's correct.

16 Q. In fact, you believe that if he was involved in any kind of
17 significant coding, that it might have been outsourced work,
18 right?

19 A. Yes. At first, I did believe that.

20 Q. I'm sorry, sir. I can't hear you. Did you say: "At
21 first"?

22 A. Yes. I did believe that.

23 Q. And I think you testified on direct. But in any event, you
24 first heard about David Kleiman's involvement in Bitcoin from
25 Craig Wright -- perhaps through Patrick Paige, but after

1 David Kleiman had died?

2 A. Yes.

3 Q. And that was in February 2014, 10 months after

4 David Kleiman had died?

5 A. Correct.

6 Q. Before that, you had zero information?

7 A. About Dr. Wright? Yes.

8 Q. Well, and about Bitcoin, other than the Thanksgiving Day
9 story?

10 A. Right. Yes.

11 Q. Now, yesterday, you told me that he had never asked you to
12 mine Bitcoin. Do you understand, sir, that to get the Bitcoin
13 system going and to maintain it, people have to do an activity
14 called "mining"?

15 A. Yes. I understand that.

16 Q. I won't get too technical. That's not your testimony. But
17 you understand that your expert testified that it's absolutely
18 essential to get people to mine and to keep them mining to make
19 the system work, right?

20 A. Yes.

21 Q. And do you understand that at the very beginning very few
22 people were mining?

23 A. Yes. That's my understanding.

24 Q. And that's in January of 2009, right?

25 A. Right.

1 Q. And do you know -- did Dr. Wright ever tell you that he was
2 running racks of servers at the beginning of the process to get
3 the system going?

4 A. He never told me that, no.

5 Q. Right. Well -- and you certainly don't know that your
6 brother -- you never saw racks of servers in your brother's
7 garage, did you?

8 A. No, I didn't. But I have seen emails where I believe they
9 remotely used a data center in Florida for Bitcoin mining.

10 Q. Okay. Sir, you believe you've seen an email about remote
11 data centers in Florida; isn't that right?

12 A. That is correct.

13 Q. Yeah. And sir, why don't you tell us where it is in
14 Florida you thought that that remote center for mining was
15 located.

16 A. I think that the name of the company was like DSL, I think,
17 in Tampa, Florida.

18 Q. In Tampa, Florida. Do you know that Tampa, Florida is not
19 located in the Southern District of Florida?

20 A. No.

21 Q. Do you know you alleged in this complaint before this
22 Judge -- you alleged that David Kleiman's activities occurred
23 in the Southern District of Florida, did you not?

24 A. Well, it's just a honest mistake, perhaps.

25 Q. It's just an honest mistake, perhaps?

1 A. Yeah. Tampa is still -- it's in Florida.

2 Q. Okay. Sir, you don't have -- this is now what you have to
3 say about whether any kind of activity happened here in the
4 Southern District of Florida where this Court sits?

5 A. I don't know. I mean, I don't have all the -- I'm just
6 telling you what I've seen.

7 Q. Right. Other than some document you've seen, you never
8 discussed it with your brother?

9 A. I believe --

10 Q. Right?

11 A. No. But this document, I believe, was produced by you.

12 Q. Sir, my question is: You never had a conversation with
13 your brother about racks of servers anywhere inside or outside
14 the Southern District of Florida, did you?

15 A. No.

16 Q. And you never -- in 2014, you certainly had no idea that he
17 might have had such a thing, right?

18 A. That's correct.

19 Q. Now -- and he never asked you to do any mining; isn't that
20 right?

21 A. No. He never did.

22 Q. Do you know whether Dr. Wright asked everybody he knew to
23 mine?

24 A. No.

25 Q. Do you know one way or another?

1 A. I believe there's also an email provided by you where Craig
2 says he's providing like access to the mining equipment to
3 Dave.

4 Q. So, Mr. Kleiman, I want to make sure -- I'm not asking you
5 to guess from memory. It's not some -- I'm not asking you to
6 guess from memory about -- so that you can relate emails to the
7 jury. My question is: Do you know whether Dr. Wright asked
8 people to mine?

9 A. No. I don't have any personal knowledge. No.

10 Q. Okay. And again, he never asked -- he never told you to
11 purchase Bitcoin when it was selling for pennies?

12 A. No.

13 Q. In fact, later, you were really -- you wondered -- you
14 said: "Why wouldn't he tell me to buy that when it was really
15 cheap?"

16 You said that, didn't you?

17 A. Yes. Like I said, this must have been a very secretive
18 project. They just didn't want it getting out.

19 Q. Well, sir, or he didn't want you to have any?

20 MR. BRENNER: Objection. Argumentative.

21 BY MR. RIVERO:

22 Q. Is that possible? If we're going to speculate, is that
23 possible?

24 THE COURT: Sustained.

25 THE WITNESS: Anything is possible.

1 Rephrase, please.

2 MR. RIVERO: All right. I'd like to show Exhibit P420
3 to the witness.

4 BY MR. RIVERO:

5 Q. This is an email from you to a person named Angie Ojea in
6 December of 2017; isn't that right?

7 A. Yes.

8 MR. RIVERO: Judge, I'd move the admission of -- it's
9 actually Plaintiffs' 420.

10 THE COURT: Any objection?

11 MR. BRENNER: Can you just scroll to the next page,
12 please.

13 THE COURT: This is on the Plaintiffs' witness --
14 exhibit list?

15 MR. BRENNER: I have no objection to this exhibit,
16 Your Honor.

17 THE COURT: Admitted into evidence.

18 (Plaintiffs' Exhibit 420 received into evidence.)

19 MR. RIVERO: Mr. Shah, if you would look at the
20 first -- the last email, but the first one at the top right.

21 BY MR. RIVERO:

22 Q. And you say here -- this is an exhibit from the Plaintiffs,
23 from you -- you say: "I often think of David as well.

24 Actually, it's hard not to think about him since Bitcoin has
25 become so popular. The mainstream media talks about it every

1 day now. Every time I hear that word, it's" -- can you read
2 that for -- what do you mean when you say: "Every time I hear
3 that word, it's" --

4 A. "It's like 'Argh.'"

5 Q. Like great frustration, sir?

6 A. Yeah. A little bit irritating, yes.

7 Q. Yeah. You're conflicted by it. You say: "On the one
8 hand, it's really cool that he helped invent it, but brutally
9 sad if it was all stolen from him."

10 But then you say: "And why the heck didn't he tell us to
11 buy some when it was selling for pennies?" Right?

12 A. Yes.

13 Q. Right. You don't believe your brother was a stingy man, do
14 you?

15 A. No, not at all.

16 Q. To the contrary, he was quite generous --

17 A. Yes.

18 Q. -- when he had money, wasn't he?

19 A. Yes, he was.

20 Q. Right. And he helped his friends out when he had money,
21 right?

22 A. That is correct.

23 Q. Right. And there's no reason that he would have held back
24 not to help you, is there?

25 A. No. But like I said, it was a secret project and he just

1 didn't want the word to get out.

2 Q. Well, sir, those are two different things. I'm not asking
3 you whether he held back about saying: "I'm inventing digital
4 money." We already know about that, don't we? We already know
5 what he said about that, right?

6 A. Yes.

7 Q. I'm asking you if he said -- like he said to you as to
8 Twitter or as to Apple: "Hey, Ira, you might want to look at
9 the Bitcoin stuff. I think it might blow up."

10 He didn't do anything like that?

11 A. No.

12 Q. Now, I'm not sure -- and pardon me because I don't think I
13 did ask you about these things.

14 After David Kleiman died, you're the one who went through
15 his possessions to determine what to keep and what to discard,
16 right?

17 A. Yes, I did.

18 Q. And when you looked through his things, you found a number
19 of computer drives and papers. We did talk about that, right?

20 A. Yes.

21 Q. You found security-related certificates, right?

22 A. Yes, a lot of certificates that he earned in the
23 computer-work field.

24 Q. Your brother had an impressive number of certificates,
25 which he would list behind his name with all the alphabet soup,

1 with the initials for the certificates, right?

2 A. Correct.

3 Q. And you found those?

4 A. Yes.

5 Q. And these were in the computer security area, for the most
6 part, because that was his area, right?

7 A. Yes.

8 Q. And you read his papers at least briefly, right?

9 A. I don't think I ever read like any of his books or papers,
10 no. I wouldn't understand most of it.

11 Q. None of it seemed important to you?

12 A. It seems cool. I was interested that he was actually
13 publishing things. But as far as me taking time to read it and
14 try to understand it, no, I didn't do that.

15 Q. I'm not talking about his work. I'm talking about his
16 papers. You didn't -- when you looked at the papers, you
17 didn't think any of it was important, right?

18 A. What kind of papers are you talking about?

19 Q. When David Kleiman died, you went into his house and he had
20 papers in his house, right?

21 A. Yeah. I mean, I'm talking just like general papers that
22 you leave around the house, like it could be stuff you bring in
23 from the mail or newspaper stuff or --

24 Q. Sir, whatever he was doing, whatever he was receiving,
25 whatever he was producing, to the extent he had it on paper,

1 the papers were there, right?

2 A. Yes.

3 Q. Okay. But you didn't see anything you thought was
4 important, did you?

5 A. No.

6 Q. And you didn't -- in fact, what you did was you looked at
7 it -- this is after -- okay. Let me just be clear. I want to
8 be clear. This is after he told you he's inventing something
9 bigger than Facebook, right?

10 A. Yeah. This is 2013. So yeah, many years later. Yes.

11 Q. Okay. And after he told you that it was going to be bigger
12 than Facebook -- right?

13 A. Right.

14 Q. -- you decided that you -- well, you thought that you were
15 looking at things that were not relevant to keeping, right?

16 A. Yeah. Anything that didn't look relevant, yeah, I would
17 discard.

18 Q. And that is to say, other than his security certificates
19 and I think you mentioned some books, you threw away all the
20 papers?

21 A. I don't -- I don't remember exactly what I, you know, kept
22 and threw away, but -- I don't believe I discarded anything of
23 extreme value. He wouldn't have been keeping like paper --
24 Bitcoin wallets just laying around the house. He's a security
25 expert.

1 Q. All right. Sir, do you remember seeing anything like --

2 MR. RIVERO: What I'll do is I'll ask you to show
3 Defendant's 145 to the witness and to counsel.

4 BY MR. RIVERO:

5 Q. Sir, do you remember seeing anything, any handwritten notes
6 that looked anything like this?

7 A. No.

8 MR. RIVERO: Your Honor, I'm not moving the admission
9 of D145 at this moment, but may I just hold it up so the jury
10 can see the form? They wouldn't be able to read it.

11 Is that acceptable?

12 THE COURT: No, it's not. It's not in evidence, sir.

13 MR. RIVERO: Judge, I want to use it as a
14 demonstrative.

15 THE COURT: Well, I don't know how the witness's last
16 answer would be helpful to explaining his testimony. So --

17 MR. RIVERO: Judge, what I want to ask is if he saw
18 anything like this, but I want the jury to understand what he
19 didn't see.

20 THE COURT: You can describe it without showing it to
21 the jury.

22 MR. RIVERO: Thank you, Your Honor.

23 BY MR. RIVERO:

24 Q. Mr. Kleiman, I'm showing you -- for now, I'm showing you
25 what's Defendant's 145. I believe it will be in evidence at

1 some point. It's a bunch of handwritten notes, right?

2 A. It appears to be, yes.

3 Q. And on lined paper, right?

4 A. Yes.

5 Q. And for some -- well, you have never seen these notes, I
6 assume?

7 A. I don't believe so.

8 Q. Right.

9 MR. RIVERO: And actually, if you don't mind, if you
10 would show the following pages, just the form of them,
11 Mr. Shah.

12 MR. BRENNER: Your Honor, maybe I misunderstood. I
13 thought you did not allow it to be shown. The witness has no
14 idea what he's looking at.

15 THE COURT: I can't understand what you said.

16 MR. BRENNER: It's being shown just to the witness?
17 Is that what's happening?

18 THE COURT: It's being shown just to the witness.

19 MR. BRENNER: Okay. Thank you.

20 BY MR. RIVERO:

21 Q. Sir, do you see that it's just a series of pages of
22 handwritten notes? Right?

23 A. Yes.

24 Q. And there's some kind of symbolic writing. Sir, do you
25 understand the symbols?

1 A. No, I don't.

2 Q. Okay. And if you just look further back, do you see a
3 number of equations?

4 A. Yes.

5 Q. Okay. Did you see anything like that kind of notes in your
6 brother's papers?

7 A. No.

8 Q. And, in fact, you didn't see anything that looked like
9 research papers?

10 A. No. I don't believe so, no.

11 Q. And you never came across work papers when you were looking
12 at his papers?

13 A. I think I only recall seeing some like really old papers,
14 like when he was still a police officer or he was maybe like
15 writing off the -- traffic tickets or something.

16 But yeah, aside from that -- oh, and also Security Doc,
17 some papers related to that company.

18 Q. Just to get the time frame correct, he left the police
19 department in what year?

20 A. Yeah. It was many years ago, like in the '90s, I think.

21 Q. Right. And the Security Doc company, I believe you said,
22 was in the very early 2000s, right?

23 A. That's correct.

24 Q. Now, I do want to show you -- I'm sorry -- second amended
25 complaint, Paragraph 5, sir.

1 MR. RIVERO: If we can -- and that, we can show to the
2 jury. Paragraph 5.

3 BY MR. RIVERO:

4 Q. Do you see, sir, that you actually said to the Court that
5 if you look --

6 MR. RIVERO: Mr. Shah, if you would highlight: "The
7 mining of a substantial amount of Bitcoin," starting there.

8 BY MR. RIVERO:

9 Q. You actually said to the Court that you had a good-faith
10 basis to allege that: "There was the mining of a substantial
11 amount of Bitcoins through the use of computer equipment
12 located within this district."

13 MR. BRENNER: Your Honor, under the rule of
14 completeness, can counsel read the rest of the sentence since
15 it's two and/or's?

16 THE COURT: Yes. If you'll do so. That's
17 appropriate.

18 MR. RIVERO: Judge, it's published to the jury.

19 BY MR. RIVERO:

20 Q. And sir, you don't have any evidence that there was any
21 Bitcoin mining equipment in this district, in -- let me just be
22 clear so that -- from Key West to Fort Pierce. You don't have
23 any evidence there was anything here?

24 A. I just have what Craig stated, that Dave did the mining.

25 Q. All right. Now, you say you don't know of any device

1 David Kleiman mined or stored Bitcoin or any cryptocurrency on,
2 do you not?

3 A. Can you repeat that, please.

4 Q. Yeah. You don't know of any device that David Kleiman
5 mined or stored Bitcoin or any other cryptocurrency on? You
6 don't have any knowledge?

7 A. No.

8 Q. You don't know of any devices that David Kleiman used to
9 develop or store any intellectual property, right?

10 A. No.

11 Q. You never saw David Kleiman mine any Bitcoin?

12 A. No.

13 Q. He never told you he mined Bitcoin?

14 A. No.

15 Q. He never told you he mined Bitcoin at the Veterans
16 Administration hospital here in Miami?

17 A. That's correct.

18 Q. You didn't see his devices at the Veterans Administration
19 hospital in Miami?

20 A. (No verbal response.)

21 Q. You personally didn't see them?

22 A. No, I didn't.

23 Q. Yeah.

24 Now turning to another subject, sir. This is not the first
25 time that you make -- file a lawsuit-- this case, that you have

1 put now to this jury, this is not the first time that you go to
2 a court to allege that somebody has wrongful possession of your
3 brother's Bitcoin, right?

4 A. That's somewhat correct, yes.

5 Q. No, sir. It's not "somewhat correct." Isn't it true that
6 before you brought this lawsuit, you brought another lawsuit
7 where you said that other people had possession of the Bitcoin?

8 A. I think that may have been like an amended complaint. But
9 my initial complaint was just to retrieve my brother's domain
10 name, just to get davekleiman.com back.

11 Q. All right, sir. You know we're on a second amended
12 complaint in this case, right?

13 A. Yes, I believe so.

14 Q. Do you understand the last thing you say is what you're
15 saying in the court? You understand that?

16 A. Okay. That's fine, yes.

17 Q. All right. So I didn't ask you amended or not. You made
18 allegations in a lawsuit that others had wrongfully taken and
19 kept David Kleiman's Bitcoin, did you not?

20 A. Yes. We were provided an email that appeared as if that
21 could have taken place, yes.

22 Q. All right, sir. And then you -- let's make it clear before
23 I go into the details. You're the only living beneficiary of
24 your brother's estate, aren't you?

25 A. Yes.

1 Q. And if there is a treasure to be found, if there's a
2 precious treasure to be found, you believe you would get it
3 all?

4 A. According to his will, yes.

5 Q. Well, I want to look at his will, sir, but I'm asking about
6 your belief. You believe you get it all. That any precious
7 pot of gold, it goes to you?

8 A. From what I've been told, yes. That's -- I'm not a lawyer.
9 I can only tell you what my attorneys tell me. They say that
10 I'm the sole beneficiary. So then, yes, I believe.

11 Q. Sir, I'm sorry. I didn't ask you what your lawyers said.
12 I'm not allowed to ask you what your lawyers said. I asked you
13 what you believe.

14 A. I believe --

15 Q. You believe -- let me finish the question, make sure you
16 understand it. You believe if there's a precious pot of gold
17 to be had, you're getting it?

18 A. Based upon what my counsel tells me, that's what I'm
19 supposed to believe.

20 Q. Now, sir, you are the executor of the will, right?

21 A. Yes.

22 Q. Okay. And as executor of the will, that's a little bit
23 different than an heir, right? The executor is different from
24 the heir?

25 A. Actually, I'm not -- I don't know.

1 Q. Do you understand the word "executor"? Do you understand
2 contained in it is the idea of executing something?

3 A. Okay.

4 Q. Do you understand that?

5 A. Yes.

6 Q. You're supposed to carry out the will, aren't you?

7 A. Yes.

8 Q. Do you understand -- and you say you have counsel or
9 lawyers -- that you're supposed to do your brother's intent?

10 A. Right.

11 Q. Okay. Now, sir --

12 MR. RIVERO: If we can look at the document -- pardon
13 me, Judge.

14 (Pause in proceedings.)

15 MR. RIVERO: -- Joint Exhibit 22, Your Honor. So I'll
16 just ask for publication to the jury of the will. It's been
17 shown to them before.

18 BY MR. RIVERO:

19 Q. Now, sir --

20 MR. RIVERO: Mr. Shah, if you would show the jury.

21 BY MR. RIVERO:

22 Q. This is -- let me just ask you about the front page. This
23 is a will for David Alan Kleiman, right?

24 A. Yes, it is.

25 Q. By the way, how much older than you was David Kleiman?

1 A. He was about four years older.

2 Q. Okay. And how old was he when he died?

3 A. I think 46.

4 Q. Okay. Now, and this will, as you recall, was prepared in
5 2003, right?

6 A. Yes.

7 Q. And you know what an amendment is. You've already told the
8 jury you know what an amendment is, right?

9 A. Yes.

10 Q. And this was not amended after 2003?

11 A. Not to my knowledge.

12 Q. Well, that would be -- I mean, not to your knowledge.
13 You're the executor?

14 A. Yes.

15 Q. Right. There's not another will that you know of?

16 A. Not that I know of, yes.

17 Q. Right. This is the one you're trying to carry out?

18 A. Yes, it is.

19 Q. Okay.

20 MR. RIVERO: Let's look at Page 2.

21 BY MR. RIVERO:

22 Q. Now, you'll see that the fifth item says --

23 MR. RIVERO: If you would highlight the fifth item,
24 Mr. Shah.

25

1 BY MR. RIVERO:

2 Q. The fifth item says -- it's important. We're looking to
3 see what it is your brother wanted to do. That's what you
4 should be looking to do; isn't that right?

5 A. Yes.

6 MS. MCGOVERN: Andres, you need to publish --

7 MR. RIVERO: Oh, I'm sorry.

8 Is it being shown to the jury? I asked that it
9 published.

10 THE COURT: It's in evidence.

11 MR. RIVERO: Yeah. Judge, I had said --

12 THE COURT: 22? Yes. If we could show that to the
13 jury.

14 MR. RIVERO: Yeah. I'm not sure if it was, Judge.

15 MS. MCGOVERN: It wasn't.

16 MR. RIVERO: Okay. Judge, just one moment.

17 THE COURT: Ladies and Gentlemen, is it on everyone's
18 screen?

19 All right. Thank you.

20 MR. RIVERO: Excuse me, Judge.

21 (Pause in proceedings.)

22 MR. RIVERO: Judge, I'm just wanting to make sure that
23 I know when it's to the jury, so we understand the system. And
24 I'm sorry that I --

25 THE COURT: Not a problem. If you'll just communicate

1 that you want it to be shown, and I'll just confirm it's into
2 evidence and then it will be published.

3 MR. RIVERO: Thank you. And I apologize.

4 BY MR. RIVERO:

5 Q. All right. So what your brother intended to do was to give
6 to you: "All of the rest, residue, and remainder of my
7 estate." Right?

8 A. Yes. That's what I see on this.

9 Q. Right. The residue is after anything else that has to come
10 out, right?

11 A. Yes.

12 Q. Okay. So it's not just straight-up give everything to Ira,
13 right?

14 A. Like I said, I'm not an attorney. I don't know.

15 MR. RIVERO: Let's look -- if we can go back to the
16 page before, Mr. Shah.

17 BY MR. RIVERO:

18 Q. And if we look --

19 MR. RIVERO: I'm sorry. I think it's the next page.
20 I apologize.

21 Yeah. If you could highlight the first sentence of
22 number -- of the second.

23 BY MR. RIVERO:

24 Q. Now, do you see that your brother signed a will prepared by
25 the trusted family lawyer, Joseph Karp? Right?

1 MR. RIVERO: Let's just stop -- Mr. Shah, if you'll
2 just leave it there and we'll continue on.

3 BY MR. RIVERO:

4 Q. "In the event that at the time of my death, I am the owner
5 or co-owner of any real estate, insurance settlement, bank
6 account, government bond or security, or instrument of
7 indebtedness" -- and then it says: "Issued by anybody which is
8 registered or issued in the name of myself and another person
9 or persons, as tenant by the entirety or as joint tenants with
10 right of survivorship or which is registered or issued in my
11 name, but is payable to -- or apparently payable to a named
12 beneficiary on my death."

13 You see all that, right?

14 A. Yes. I see it.

15 Q. All right. Then he goes on to say that: "I declare it to
16 be my intention" --

17 MR. RIVERO: If you would then highlight the next
18 part.

19 BY MR. RIVERO:

20 Q. "I declare it to be my intention that all my right, title,
21 and interest in such property shall immediately pass to the
22 joint owner, co-owner" -- and then it goes on about
23 beneficiaries and the rest. The jury can look at that.

24 But what I want to ask you, sir, is: What efforts have you
25 made to determine if there are, for example, securities that

1 were co-owned between your brother and another person in order
2 to make sure that those co-owned items, the co-owned property,
3 goes to the co-owner? What have you done?

4 MR. BRENNER: Your Honor, objection. He's asking the
5 witness to speculate about something. He has to lay a
6 foundation if he knows.

7 MR. RIVERO: Judge --

8 THE COURT: The objection is overruled. It's proper.

9 THE WITNESS: I don't have any knowledge of any
10 co-owners of his property.

11 BY MR. RIVERO:

12 Q. I can't hear you.

13 A. Can you repeat the question?

14 Q. Okay. I want to know -- you as executor, carrying out your
15 brother's will --

16 A. Yes.

17 Q. -- his wishes, right -- have you -- what efforts have you
18 taken to see if -- to find out if there are any co-owners of
19 property, as stated here --

20 A. I --

21 Q. Now I have to finish the question.

22 -- to try to give it to them?

23 A. Yeah. I don't have any knowledge of there being any
24 co-owners. I just know, you know, what my attorney told me.
25 He presented me this will. He said I'm the sole beneficiary,

1 and we -- I believe he may have done some investigation to see
2 if --

3 MR. RIVERO: Judge, I'm not eliciting this -- what
4 he's just given as legal advice, I didn't elicit it. I want to
5 be clear. So Judge, there's no objection, so I'm going to
6 continue.

7 MR. BRENNER: Well, I'm trying not to interrupt.

8 THE COURT: Mr. Brenner, is there an objection?

9 MR. BRENNER: No. There's no objection. I was just
10 asking to be able to give my client instruction regarding his
11 privilege rights.

12 MR. RIVERO: Your Honor, if there's not an objection,
13 I'm moving on.

14 THE COURT: All right. Let's continue. There's no
15 objection. Let's continue.

16 MR. RIVERO: Right.

17 BY MR. RIVERO:

18 Q. So you and your lawyer are just going full speed ahead and
19 you're not going to look for anyone else. This precious
20 treasure goes to you, right?

21 A. I don't know where else we would try to look. I mean, we
22 only know -- we only knew of Dave's business, the Computer
23 Forensics, LLC company. Aside from that, we just didn't know
24 of him doing anything else.

25 Q. Well, okay. Let's go back to the lawsuit because we can

1 show --

2 MR. RIVERO: I believe we have the lawsuit. I believe
3 it's Defendant's Exhibit 5.

4 And I'd like to show it, Your Honor, at this point,
5 just to Plaintiffs' counsel and to the witness.

6 Yeah. That's it.

7 BY MR. RIVERO:

8 Q. Sir, do you recognize this is a -- do you recognize this
9 lawsuit that's styled -- it says: "Ira Kleiman, individually
10 and as personal representative of the estate of Dave Kleiman,
11 Plaintiff," and then continues. Do you recognize that?

12 A. Yes, I do.

13 MR. RIVERO: Judge, I move the admission of
14 Defendant's 5.

15 MR. BRENNER: Your Honor, I believe it's already in.

16 THE COURT: Well, it's not entered because the Court
17 recognized yesterday that ordinarily pleadings are not admitted
18 into evidence.

19 If there's no objection --

20 MR. BRENNER: No, Your Honor, excuse me. I believe --

21 THE COURT: This is D5, correct?

22 MR. RIVERO: Judge, I'm sorry. This is the lawsuit --
23 this is not this lawsuit. It's a different lawsuit. I'm sorry
24 about that.

25 THE COURT: Oh, okay. I'm sorry.

1 MR. BRENNER: I think my recollection is it may have
2 been admitted over objection during Mr. Paige's testimony, but
3 I'm not --

4 THE COURT: Well, it was being used to refresh the
5 witness's recollection. And then, without objection, it was
6 shown to the jury so the jury could follow along.

7 So what exhibit now are you seeking to introduce?

8 MR. RIVERO: Defendant's 5, Your Honor.

9 THE COURT: Yeah. I'm noting that at that point it
10 was admitted into evidence.

11 MR. RIVERO: Thank you, Judge. Then I'd like to have
12 it published to the jury.

13 THE COURT: Well, what -- and again, are you asking
14 for a particular provision that you're asking --

15 MR. RIVERO: I'm going to show --

16 THE COURT: -- him to follow along?

17 MR. RIVERO: Oh, yeah. Definitely, Judge. Yeah.

18 But first I'm just going to establish, Judge,
19 that the -- I'm first establishing that -- if we can look,
20 Mr. Shah, can we -- well, first of all, we can see right at the
21 top that it says -- the line at the very, very top, Mr. Shah,
22 if you would highlight "Filing Number." Right?

23 MR. BRENNER: Your Honor, I'm admittedly a bit lost.
24 I don't know --

25 THE COURT: I can't hear you, sir.

1 MR. BRENNER: I'm admittedly a bit lost. Is this
2 being shown to the jury or --

3 MR. RIVERO: I asked that it be published. Judge, I
4 asked that it be published.

5 THE COURT: Once again, my record shows that the first
6 amended complaint, Defendant's Exhibit Number 5, that we had
7 addressed this yesterday, and I had stated that ordinarily the
8 pleadings do not come into evidence. This was then shown to
9 the jury. And without an objection, it was shown at portions
10 to the jury so the jury could read along.

11 MR. RIVERO: Judge, I'm sorry. I think that there's
12 some confusion. The document we were talking about yesterday,
13 which the Judge made that ruling and direction, which we
14 followed consistently, was as to the second amended complaint
15 in this case.

16 This, Judge, is a different lawsuit entirely, which is
17 not this case. So I'm seeking the admission of the other
18 lawsuit, which is highly relevant to the conduct of the
19 Plaintiff.

20 THE COURT: But you're seeking to introduce the
21 pleading itself.

22 MR. RIVERO: Yes, Your Honor.

23 MR. BRENNER: And Your Honor, my notes say that it was
24 actually admitted during Mr. Paige's testimony.

25 THE COURT: All right. Then let's continue.

1 MR. RIVERO: But Judge, our notes are consistent, Your
2 Honor. So -- sorry.

3 THE COURT: The record will bear out that during
4 Mr. Paige's testimony this was admitted. Correct, Mr. Brenner?

5 MR. BRENNER: That is what our notes reflect, Your
6 Honor.

7 THE COURT: All right. Then let's continue.

8 MR. RIVERO: May we publish it to the jury?

9 Thank you.

10 All right, sir. Would you please highlight the very
11 top line.

12 BY MR. RIVERO:

13 Q. That says, Mr. Kleiman --

14 MR. RIVERO: All the way across, Mr. Shah.

15 BY MR. RIVERO:

16 Q. -- that it was eFiled, it was electronically filed on
17 September 18th, 2017, correct?

18 A. Yes.

19 Q. And what you did in this lawsuit was --

20 MR. RIVERO: If we can flip to Paragraph -- oh, I'm
21 sorry? Let me just --

22 BY MR. RIVERO:

23 Q. What you filed -- this is the first amended complaint,
24 right?

25 A. I think so.

1 Q. You see the title?

2 A. Yes.

3 Q. That's the last complaint you had in the case. That's the
4 one that was -- this is it, right?

5 A. Okay. Yes.

6 Q. You were the Plaintiff, right?

7 A. Yes.

8 Q. And what you did was you sued Computer Forensics, LLC,
9 right?

10 A. Yes.

11 Q. You did this individually, right?

12 A. If that's the way my attorney drafted it, yes.

13 Q. Well, sir, let's look at it. It says right here -- it
14 says: "Ira Kleiman, individually."

15 You see that?

16 A. Yes.

17 Q. And then also: "As the personal representative of the
18 estate of David Kleiman." Right?

19 A. Right.

20 Q. And you were suing individually to get whatever it is
21 you're looking for, for you, right?

22 A. Yes. I was trying to retrieve my brother's domain name,
23 yes.

24 Q. Yeah. That's not all you were doing, right, Mr. Kleiman?

25 A. Yes, after --

1 Q. That's not all you remember doing, Mr. Kleiman. Please
2 listen to the question.

3 Do you agree?

4 A. After they produced an email, yes, it appeared that they
5 may be holding some of Dave's Bitcoin --

6 Q. So what you did was --

7 MR. RIVERO: If we can look at Paragraph 32.

8 BY MR. RIVERO:

9 Q. What you actually said was: "As a course of its
10 dealing" --

11 MR. RIVERO: Mr. Shah, if you would highlight it.

12 BY MR. RIVERO:

13 Q. -- "with David Kleiman, Defendant, Computer Forensics has
14 taken illegal possession of the property of David Kleiman."

15 Right?

16 A. Yes.

17 Q. Okay. And then --

18 MR. BRENNER: Your Honor, in the Rule of Completeness,
19 can we read the rest of the sentence? There's a comment there.

20 THE COURT: All right. The jury is being shown -- it
21 can be highlighted without highlighting the entire portion.

22 You may continue.

23 MR. RIVERO: Thank you, Your Honor.

24 BY MR. RIVERO:

25 Q. You talk about websites and you talk about -- you talk

1 about different websites, but you finish by saying: "Further,
2 upon information and belief, David Kleiman created and
3 maintained Bitcoin wallets, which were his personal property
4 during the time he was a member of Computer Forensics."

5 Did you not say that?

6 A. Yes. That's what my attorney wrote, yes.

7 Q. And sir, at Paragraph 35 --

8 MR. RIVERO: Thank you, Mr. Shah.

9 BY MR. RIVERO:

10 Q. -- you said: "Beginning" --

11 MR. RIVERO: I'll ask Mr. Shah to highlight the second
12 sentence, but I'll comment on the first.

13 BY MR. RIVERO:

14 Q. You asked absolutely that he be enjoined as to -- that
15 "they" be enjoined as to websites. But you also said that:
16 "As to Bitcoin wallets" -- to the extent they were there -- "As
17 to Bitcoin wallets, Computer Forensics should be enjoined from
18 monetizing, transferring, or otherwise converting such Bitcoin
19 to its use of the use of its principals or third parties."
20 Right?

21 A. Yes. That's what I see.

22 Q. Okay. And sir, you didn't -- this was in -- if -- we just
23 looked at it -- September of 2017, right?

24 A. Yes.

25 Q. You didn't finish that lawsuit -- you didn't drop that

1 lawsuit in December of 2017, right?

2 A. I don't remember when it was dropped.

3 Q. The lawsuit was still going in January of 2018, wasn't it?

4 A. I don't know.

5 Q. The lawsuit was still going -- you don't remember the
6 lawsuit was still on when this lawsuit got filed?

7 A. Yeah. I don't remember when it -- they stopped it.

8 Q. Okay.

9 MR. RIVERO: One moment, Judge.

10 THE COURT: Certainly.

11 (Pause in proceedings.)

12 BY MR. RIVERO:

13 Q. All right. Sir, isn't it the fact that there's a period of
14 time all during 2018 where you're -- in the West Palm Beach
15 court, you're suing Patrick Paige, Carter Conrad, and Computer
16 Forensics for the Bitcoin at the same time that you are suing
17 Craig Wright for the Bitcoin in this case?

18 A. Yes.

19 Q. Isn't that true?

20 A. Like I said, I don't recall when this case ceased.

21 Q. I'm going to get the date.

22 But you don't remember, sir -- first of all, let me ask you
23 a question, sir: The word "illegally took possession" -- the
24 words "illegally took possession of," you saw them there,
25 right? You saw them in the allegation?

1 A. Yes.

2 Q. I assume you don't go around making that kind of allegation
3 lightly, do you, sir?

4 A. Like I said, this was written by my attorney. And we had a
5 belief that they had found some of Dave's Bitcoin, so we were
6 just requesting the return of it.

7 Q. Let me go back to the question. And sir, do you work
8 for -- let me start over. Do you work for your lawyers or do
9 your lawyers work for you?

10 MR. BRENNER: Argumentative.

11 THE COURT: Sustained.

12 BY MR. RIVERO:

13 Q. Sir, you, as a Plaintiff individually, were maintaining a
14 lawsuit for Dave's Bitcoin against Patrick Paige and Carter
15 Conrad and Computer Forensics at the very same time you filed
16 this lawsuit in this court saying Craig Wright had David
17 Kleiman's Bitcoin; isn't that true?

18 A. It might be.

19 Q. And sir, you know that Patrick Paige was a very, very dear
20 friend of David Kleiman's, right?

21 A. Yes, he was.

22 Q. And you know that Carter Conrad was a very dear friend of
23 David Kleiman?

24 A. Yes.

25 Q. And you know that Craig Wright says that he -- at least he

1 felt that he was a very close friend of your brother's, right?

2 A. Yes.

3 Q. So you were suing three of his best friends and his company
4 at the same time for Bitcoin?

5 A. Yes.

6 Q. And sir, did you forget Kimon Andreou?

7 A. What do you mean?

8 Q. Sir, the other close friend your brother had was Kimon
9 Andreou, right?

10 A. Correct.

11 Q. And you didn't file a lawsuit against Kimon?

12 A. No.

13 Q. Did you forget him?

14 MR. BRENNER: Objection, Your Honor. Argumentative.

15 THE COURT: Sustained.

16 BY MR. RIVERO:

17 Q. Sir, you didn't drop the lawsuit against Carter and Patrick
18 until April 29, 2019. Isn't that true?

19 A. Like I said, I don't remember when that case stopped. But
20 my -- my primary purpose was just to recover my brother's
21 domain name.

22 Q. Sir, I'm going to get the order of dismissal.

23 But isn't it true that for at least more than 14 months.
24 You were simultaneously suing three of his best friends and his
25 company?

1 MR. BRENNER: Objection. Asked and answered, Your
2 Honor.

3 THE COURT: Sustained.

4 (Pause in proceedings.)

5 BY MR. RIVERO:

6 Q. Now, let's talk for -- let's shift, sir, to David Kleiman's
7 finances.

8 A. Okay.

9 Q. You know his finances were, in fact, very poor at the end
10 of his life because you were the person who was executing
11 the -- or the personal representative for the estate?

12 A. Yes.

13 Q. Now, I think you've already told us -- the jury -- that
14 David Kleiman didn't talk to you about his finances?

15 A. He would, you know, like briefly, but not in great detail.

16 Q. But as executor, as the personal representative, you have
17 his tax returns, do you not?

18 A. We may have recovered them.

19 Q. All right. Sir, I'm going to ask you be shown Defendant's
20 Exhibit 18.

21 And do you see, Mr. Kleiman, Defendant's Exhibit 18 is the
22 1040 US Individual Income Tax Return in 2010 for Dave Kleiman?

23 A. Yes. I see it.

24 MR. RIVERO: Your Honor, I move the admission of
25 Defendant's 18.

1 THE COURT: Is there any objection?

2 MR. BRENNER: No. No objection.

3 THE COURT: All right. I am going to allow the
4 admission, but I would like this exhibit that is going to be a
5 public record to have the Social Security number redacted from
6 the exhibit.

7 MR. RIVERO: Judge, should we do that -- is it okay to
8 proceed at this point or --

9 THE COURT: Yes. At this point, certainly.

10 MR. RIVERO: Thank you. Thank you. We'll do that.
11 We'll make sure to do that, Your Honor.

12 (Defendant's Exhibit 18 received into evidence.)

13 MR. RIVERO: And could we publish?

14 Yes. It's shown to the jury.

15 BY MR. RIVERO:

16 Q. Now, sir, we can -- please just look along. You see the
17 first page, right?

18 A. Yes.

19 MR. RIVERO: If you can show it, Mr. Shah.

20 BY MR. RIVERO:

21 Q. You can see the second page.

22 Now, sir, by the way, on the second page, the third-party
23 designee is a guy named David Scott Kuharcik, right?

24 A. Yes.

25 Q. And he's the preparer, if you see it at the bottom?

1 A. Yes. I see it.

2 Q. Yeah.

3 MR. RIVERO: And then let's see Page 3, Mr. Shah.

4 BY MR. RIVERO:

5 Q. This is Profit -- this is a schedule to the tax return
6 called Schedule C. It says on the top it's: "Profit or Loss
7 from business." Right?

8 A. Yes.

9 Q. Okay. And then what Mr. -- what Mr. David Kleiman reported
10 was that he was a forensic computer consultant, right?

11 A. Yes.

12 Q. And he reported certain income for that work, right?

13 A. Yes.

14 MR. RIVERO: Can we show Page 4.

15 BY MR. RIVERO:

16 Q. And sir, you see here that there's questions about -- you
17 know, there's questions that you have to do to establish like
18 for a business what the -- what the income is. You have to
19 show the expenses that you had in the business, right?

20 A. Yes.

21 Q. And you understand that -- you have a business, right?

22 A. No. I just do like freelance work.

23 Q. Okay. But you have to -- you file a tax return?

24 A. Yes.

25 Q. Right. You do the freelance yourself, right?

1 A. Yes.

2 Q. And you understand that if you have expenses related to
3 your work, like your website design, if you have to buy
4 something for your work, it's a benefit for you to report it on
5 your tax return so you can get that off of your income. You do
6 understand that, right?

7 A. Yes.

8 Q. Okay. So do you see here on the Line 36: "Purchases less
9 cost of items withdrawn for personal use"?

10 You see that?

11 A. Yes.

12 Q. And he doesn't report anything that he had bought to do
13 business.

14 MR. BRENNER: Objection. Misstates the document.

15 THE COURT: Is the objection on grounds of
16 misstatement?

17 MR. BRENNER: Yes. Misstating what the document says,
18 yes.

19 THE COURT: All right. The document does speak for
20 itself. If you want to refer specifically to a line?

21 MR. BRENNER: Sure. He read it as: "Cost used for
22 business use," and it says: "Personal use."

23 THE COURT: That's correct. The objection is
24 sustained. Let's clarify it, please.

25

1 BY MR. RIVERO:

2 Q. Okay. Let me -- the line says -- first of all, this is
3 under Part 3: "Cost of goods sold, right?"

4 A. Yes.

5 Q. And it says -- on Number 36, it says: "Purchases less the
6 cost of items withdrawn for personal use." Right?

7 A. Right.

8 Q. So the idea is if you bought a computer, but you use it
9 partly for your personal use, 25 percent, you're only supposed
10 to report 75 percent, right?

11 A. Yes.

12 Q. Okay. So what he reports for business is he put "0."
13 Right?

14 A. Yes.

15 Q. Well, I'm sorry. It's not a zero. He leaves a blank.

16 A. Okay.

17 Q. All right. Sir, do you know if racks of servers have a
18 cost to them?

19 A. I would imagine so.

20 Q. Looking at Line 38, "Materials and Supplies," that's for
21 cost of goods sold, right?

22 A. Yes.

23 Q. And sir, if you don't know, please, it's perfectly fine.

24 But do you understand that you have a right as an American
25 taxpayer -- if you have to buy a material or a supply to make

1 your income, you're allowed to take off how much it costs to do
2 it. You understand that, right?

3 A. Yes.

4 Q. Your brother put -- left a blank for "Cost of materials and
5 supplies." Right?

6 A. Yes.

7 Q. Okay. Now, let's --

8 MR. RIVERO: Mr. Shah, if you would go -- let's just
9 scroll through -- Mr. -- if we can look at Page 5.

10 BY MR. RIVERO:

11 Q. That's a self-employment tax.

12 MR. RIVERO: Page 6.

13 BY MR. RIVERO:

14 Q. Okay. This is "Depreciation and Amortization." Right? Do
15 you see that?

16 A. Yes.

17 Q. Okay. Now, do you see that he lists -- between Lines 6 and
18 7, he puts a price for an item that he had his bookkeeper put
19 in, "Computer Equipment" -- I'm sorry. I don't want to
20 misstate the document -- "Computer Equip"? Right?

21 A. Yes.

22 Q. Will you understand with me that it's very likely he meant
23 "computer equipment." Right?

24 A. Right, yes.

25 Q. And so what he said -- that the cost for business use only

1 was \$4,370, right?

2 A. Yes.

3 Q. Yeah. Okay. You don't think that \$4,370 would buy you
4 racks and racks of super-fast computers, do you?

5 A. No. But I think in the early days of Bitcoin mining, you
6 could still accomplish it with just a fast personal computer.

7 Q. Okay. So that's -- okay. Let me keep going.

8 MR. RIVERO: Let's go down -- let's look at the page,
9 the whole page, sir.

10 Okay. And let's go to the next page.

11 BY MR. RIVERO:

12 Q. Sir, you don't see any reference to anything to do with
13 Bitcoin, do you, anywhere that we've seen so far?

14 A. No.

15 MR. RIVERO: Let's look at Page 8.

16 BY MR. RIVERO:

17 Q. This is "making work pay credit." I'm not sure. But do
18 you see anything that refers to or says anything about Bitcoin?

19 A. No.

20 MR. RIVERO: Page 9.

21 BY MR. RIVERO:

22 Q. That's an extension, right, sir?

23 A. Yes.

24 MR. RIVERO: Page 10.

25

1 BY MR. RIVERO:

2 Q. And that's something called Section 179, Property Statement
3 that shows a computer cost of \$1,200 and a software cost of
4 \$4,922, right?

5 A. Yes.

6 Q. Okay. That's 2010?

7 MR. RIVERO: Let's look at -- Mr. Shah, if you would
8 show Defendant's 2019 to Mr. Kleiman and to counsel.

9 THE COURT: I'm sorry. What is the number?

10 MR. RIVERO: I'm sorry. Defendant's 19, Your Honor.

11 Okay. So I think we're going to need to show
12 Mr. Kleiman at least the next page.

13 Thank you, Mr. Shah.

14 BY MR. RIVERO:

15 Q. Sir, this is David Kleiman's 1040 for 2011, right?

16 A. Yes.

17 Q. And by the way, these were obtained from his accountant,
18 David Kuharcik; isn't that right?

19 A. Yes.

20 Q. And sir, that's what was able to be obtained in the case,
21 right? These two returns I've shown you, correct?

22 A. Yes.

23 Q. All right. You understand Mr. Kuharcik said he didn't have
24 2009 or '12 or '13. You understand that?

25 A. No. I'm not familiar with that.

1 Q. Okay. Now, is this -- I think I asked you a foundational
2 question. This is Dave Kleiman's tax return for 2011, correct?

3 A. Yes.

4 MR. RIVERO: Your Honor, I'd move the admission of
5 Defendant's 19.

6 MR. BRENNER: No objection.

7 BY MR. RIVERO:

8 Q. All right, sir --

9 THE COURT: Admitted into evidence, with the same
10 proviso to remove the identifying information.

11 (Defendant's Exhibit 19 received into evidence.)

12 MR. RIVERO: Yes, Your Honor.

13 Actually, and for some reason, it doesn't have the
14 Social Security number on the first page. But Judge, we'll
15 make sure to -- wherever it does appear, to put it down.

16 THE COURT: Thank you.

17 BY MR. RIVERO:

18 Q. We're going to look later, sir, about -- we're going to
19 look at a -- we're going to look at a tax transcript. So I'm
20 just showing the tax returns right now.

21 What it says is that -- on the first page, it says in
22 2011 --

23 MR. RIVERO: I'm sorry about that, Mr. Shah. I mean
24 the second page, which is the first page of the return.

25 That's it.

1 BY MR. RIVERO:

2 Q. It says that he had in 2011 a business income of \$6,303,
3 right?

4 A. Yes.

5 Q. We'll see later he had had a significant reverse in his
6 income in the last years of his life, right?

7 A. Yes.

8 Q. And that was because for much of the time he was unable to
9 earn because he wasn't able to work?

10 A. I suppose so.

11 Q. All right.

12 MR. RIVERO: Let's look at the next page.

13 BY MR. RIVERO:

14 Q. Sir, I'll invite you to look at it and tell me on any of
15 these pages if you see anything relevant to Bitcoin. If you
16 look at Number -- tell me if you need more time --

17 A. No. I don't think you'll find anything related to Bitcoin
18 on his tax returns.

19 Q. Let's make sure to look at it, Mr. Kleiman, so that the
20 jury knows as well.

21 MR. RIVERO: If we can look at Page 4.

22 BY MR. RIVERO:

23 Q. The net profit for the business, this is where he
24 specifically reflects that he is a forensic computer consultant
25 and he made \$6,303, right?

1 A. Yes.

2 Q. That's tough to live on, right?

3 A. Yes, it is.

4 MR. RIVERO: Okay. Let's go to the next page.

5 BY MR. RIVERO:

6 Q. Self-employment tax. He reports the same business income
7 number, correct?

8 A. Yes.

9 MR. RIVERO: Page 6, Mr. Shah.

10 BY MR. RIVERO:

11 Q. That's the earned income tax credit.

12 We'll move on.

13 MR. RIVERO: Page 7.

14 BY MR. RIVERO:

15 Q. This is still -- he didn't have children, right?

16 A. No, he didn't.

17 MR. RIVERO: Okay. Page 8.

18 BY MR. RIVERO:

19 Q. This is still about child care and the rest.

20 MR. RIVERO: Page 9.

21 BY MR. RIVERO:

22 Q. That's an extension, correct?

23 A. Yes.

24 MR. RIVERO: Page 10.

25 Page 11.

1 BY MR. RIVERO:

2 Q. Sir, do you know -- do you happen to know that Agile Risk
3 Management was a company that had hired your brother on some
4 kind of 1099 basis to do some work for them?

5 A. No. I didn't know that.

6 Q. All right.

7 MR. RIVERO: Let's go to the next page.

8 BY MR. RIVERO:

9 Q. Apparently, he had done work for the Law Offices of David
10 Jerome in Michigan, correct?

11 A. It appears so, yes.

12 Q. And he made a thousand dollars working for them?

13 A. Yes.

14 MR. RIVERO: Next page, Mr. Shah.

15 BY MR. RIVERO:

16 Q. Miscellaneous income. He shows non-employee compensation
17 of \$6,000, right?

18 A. Yes.

19 Q. And then let's see the -- that's the last page.

20 So nothing on either of these two returns has any reference
21 to Bitcoin, right?

22 A. Right.

23 Q. And neither return has any major expense for the purpose of
24 business costs, correct?

25 A. Correct.

1 Q. All right.

2 MR. RIVERO: Now, Your Honor, whenever -- this is a
3 good time for a break or I could go further. It's up to --

4 THE COURT: We have a little bit more time.

5 MR. RIVERO: Oh, I can keep going. Yes. Good.

6 BY MR. RIVERO:

7 Q. You know, sir, there were no W&K tax returns filed at all?

8 A. Yeah. I don't believe there was, yes.

9 Q. Okay. So whatever activity there was in W&K, that wasn't
10 reported to the IRS. You agree, right?

11 A. I suppose not. I don't -- I don't know the details of what
12 was going on with W&K.

13 Q. Well, sir, let's go back to this timeline.

14 MR. RIVERO: And I'm sorry to the jury about my
15 scrawled handwriting.

16 BY MR. RIVERO:

17 Q. But W&K was formed on Valentine's Day 2011, right?

18 A. I think so, yes.

19 Q. And you have told the jury a whole bunch of things about
20 your view that it was Craig Wright and David Kleiman. You said
21 that, right?

22 A. That's what I've been told by Craig, yes.

23 Q. Well, sir, you took control of W&K and reinstated it on
24 your own after you filed this lawsuit, didn't you?

25 A. Yes.

1 Q. So you're W&K right now, aren't you?

2 A. I suppose, technically.

3 Q. Sir, technically, a corporation is just run by whoever it
4 is who is the shareholder, director, et cetera. And that's
5 you, right?

6 A. Right.

7 Q. You have access -- you could go to the IRS and get any tax
8 records you want about W&K, can't you?

9 A. I suppose so.

10 Q. Yeah. And you know we asked for them in this case, right?

11 A. I think so, yes.

12 Q. And you haven't given us a tax return for W&K, have you?

13 A. I don't -- I don't know. I mean --

14 Q. Sir --

15 A. That's all done, you know, by my lawyers.

16 Q. Standing in the shoes of W&K, as being the sole person in
17 control --

18 A. Uh-huh.

19 Q. -- isn't it true that, as far as you know, W&K never filed
20 a tax return?

21 A. If -- I don't know. Like I said, if my -- the lawyers
22 tried to get those records, and if it shows that there weren't
23 any filed, then I guess that's the case.

24 Q. Yeah. Now, sir, if there were -- let's talk about it for a
25 second. Let's just think about it, what you say, if there were

1 some really active business, active servers in Tampa,
2 et cetera, whatever it is you say went on, you're W&K --
3 wouldn't W&K want to take advantage of the expenses on a tax
4 return?

5 You're W&K. Wouldn't you want to take advantage of
6 expenses on a tax return?

7 MR. BRENNER: Objection. Calls for him to speculate
8 what W&K would have done.

9 THE COURT: Sustained.

10 BY MR. RIVERO:

11 Q. Sir, do you understand that there's a loss carried forward
12 and W&K today could claim expenses? Do you understand that?

13 A. Okay.

14 Q. You haven't done that, have you?

15 A. No.

16 Q. You haven't filed a return for W&K?

17 A. No.

18 Q. Now, if we go back, though, in 2009 -- and just remember,
19 2009 -- again, we don't have the records for 2008,
20 unfortunately.

21 2009 is after the release of the whitepaper and after the
22 system goes operational on January 3rd, 2009. You know we have
23 the tax transcript -- you understand that -- for David Kleiman,
24 for 2009?

25 A. You have the tax transcript for what?

1 Q. For David for 2009. Do you know that?

2 A. No. I wasn't aware.

3 Q. All right. Isn't it true --

4 MR. RIVERO: And I would ask that the witness be shown
5 Defendant's 301.

6 BY MR. RIVERO:

7 Q. Sir, do you see that this is an IRS account transcript
8 for --

9 MR. RIVERO: And Judge, the taxpayer ID number is
10 partly -- is partly -- oh. We just took it off. Okay. We
11 have a way to do it.

12 Okay. This is for David Kleiman. Judge, the wonders
13 of technology. I can't believe right before my eyes they took
14 the number out.

15 BY MR. RIVERO:

16 Q. Do you see that?

17 A. Yes, I do.

18 MR. RIVERO: Judge, I'd move the admission of this IRS
19 official tax transcript for David Kleiman --

20 THE COURT: Any objection?

21 MR. BRENNER: No objection, Your Honor.

22 THE COURT: All right. Defendant's 301 into evidence.
23 (Defendant's Exhibit 301 received into evidence.)

24 BY MR. RIVERO:

25 Q. All right, sir --

1 MR. RIVERO: Let's show the jury, if we could publish
2 that.

3 Thank you, Liz.

4 BY MR. RIVERO:

5 Q. So now we're going to get a snapshot of what was going on
6 with Dave Kleiman in some of this time period, in addition
7 to -- because we got a partial look.

8 In 2009 --

9 MR. RIVERO: Let's go to the bottom first, Mr. --
10 yeah, Mr. Shah.

11 Okay. Let me just go right into -- do you see here
12 where it says -- it starts: "Information from the return or as
13 adjusted," and I want to go to the "adjusted gross income."

14 Can you highlight that, Mr. Shah?

15 BY MR. RIVERO:

16 Q. Okay. His adjusted gross income -- it's not an accounting
17 quiz, but you see the number is \$70,125. Do you see that?

18 A. Yes. I see it.

19 Q. If I understand your testimony, sir, you really don't know
20 how much money your brother was making at any particular time,
21 right?

22 A. That's correct.

23 Q. Okay. You don't know what he made in 2008?

24 A. No.

25 Q. And you don't know if it was more or less in terms of

1 adjusted gross income than this 70,000-plus number, do you?

2 A. That's correct.

3 Q. All right. But you do see that that's what was reported to
4 the IRS, which they capture in -- they maintain an account on
5 us. Do you understand, sir?

6 A. Yes.

7 Q. And that's what apparently was reported on the return, if
8 you see at the top: "Information from the return"?

9 A. Yes.

10 MR. RIVERO: Okay. Now, let's go to the top,
11 Mr. Shah.

12 BY MR. RIVERO:

13 Q. But he also had -- he had here -- any minus sign shown
14 below signifies a credit amount. Do you understand that?

15 A. Yes.

16 Q. Okay. So if it doesn't have a minus, this is what you owe
17 the IRS. You understand that?

18 A. Yes.

19 Q. Okay. And do you see that the -- between -- there was an
20 account balance. It's the IRS. We're talking about federal
21 taxes, right?

22 A. Right.

23 Q. The account balance, they mean what he owed in taxes. Then
24 you look at the next line, plus the accrued interest, plus the
25 accrued penalties, came to an account balance, plus accruals

1 that he owed to the IRS at this time, \$17,678, right?

2 A. Yes.

3 Q. Did you know that your brother was running a -- you know, a
4 sizable debt with the IRS?

5 A. No.

6 Q. You did know, though -- you know your brother -- you knew
7 his character?

8 A. Yes. I knew his character.

9 Q. And he was a person who would -- when he made money, he
10 would spend it, right?

11 A. Yes.

12 Q. Okay. Let's look the -- if we can look now at -- and you
13 agree with me, he wasn't a saver, was he?

14 A. Not really.

15 Q. And if he had money, he would spend it, right?

16 A. Yes.

17 MR. RIVERO: Let's look at the next year, 2010. And
18 that's Defendant's 302.

19 BY MR. RIVERO:

20 Q. And you see it's the same kind of document, Mr. Kleiman?

21 A. Yes. I see it.

22 MR. RIVERO: Oh, Judge, I wasn't meaning to publish to
23 the jury on 302, because it's not in evidence.

24 THE COURT: 302 is not in evidence.

25 MR. RIVERO: But Judge, I --

1 BY MR. RIVERO:

2 Q. So sir, do you see that this is David Kleiman's account
3 transcript?

4 A. Yes.

5 Q. And this is an IRS official document, sir?

6 A. Yes.

7 MR. RIVERO: Judge, I move the admission of
8 Defendant's 302.

9 MR. BRENNER: No objection, Your Honor.

10 THE COURT: Admitted into evidence.

11 (Defendant's Exhibit 302 received into evidence.)

12 MR. RIVERO: Mr. Shah, the same process. If you would
13 show the jury the bottom part, which is going to show the
14 adjusted gross income.

15 BY MR. RIVERO:

16 Q. And we had kind of seen this when you saw the tax return
17 which reported for 2011, is a adjusted gross income of \$13,105,
18 right?

19 A. Yes.

20 Q. That's a really serious drop in the gross income, right?

21 A. Yes.

22 Q. Yeah. By this time, he was hospitalized?

23 A. What was the date again?

24 Q. Well, it's the 2011 return.

25 A. Oh, okay. Yes. I believe he was, yes.

1 Q. You never saw him in the hospital?

2 A. No.

3 Q. But you know he was in the hospital?

4 A. Yes. I continued a lot of communications through email and
5 through telephone.

6 Q. Now, you live in Palm Beach, right?

7 A. Palm Beach Gardens, yes.

8 Q. Palm Beach Gardens, okay.

9 So his income really dropped off, right?

10 A. Yes.

11 MR. RIVERO: Can we go to the top and look at this
12 other section.

13 BY MR. RIVERO:

14 Q. But it looks like he had managed to pay down some of the
15 debt to the IRS and it was -- he was -- gotten it down to
16 \$3,246.10, right?

17 A. Yes.

18 MR. RIVERO: Okay. Let's look at Defendant's 303.

19 BY MR. RIVERO:

20 Q. I may have said -- you know, this is the tax period --

21 MR. RIVERO: I may have said that wrong, Your Honor,
22 if I said -- I may have referred, just to clarify for the jury
23 and the Court -- if I said as to the previous one it was
24 2000 -- anything other than 2010, I meant 2010.

25 Now we'll talk about 2011.

1 BY MR. RIVERO:

2 Q. Do you see that, Mr. Kleiman?

3 A. Yes.

4 Q. And do you see that it's, again, for your brother? Right?

5 A. Yes.

6 Q. It's the account transcript?

7 A. Yes.

8 COURTROOM DEPUTY: I'm sorry, Mr. Rivero. Is this
9 being published as well?

10 THE COURT: This is not in evidence.

11 MR. RIVERO: No. I'm moving the admission right now
12 of 303, Judge.

13 THE COURT: Is there any objection?

14 MR. BRENNER: No objection, Your Honor.

15 THE COURT: Admitted into evidence.

16 (Defendant's Exhibit 303 received into evidence.)

17 MR. RIVERO: Thank you, Liz. If you could publish.

18 All right. And the same process, Mr. Shah. If we
19 could show the bottom part that shows the gross income.

20 BY MR. RIVERO:

21 Q. This is 2012, sir. This is the year before he dies, the
22 first third of the next year, right?

23 A. Yes.

24 Q. So again, he's in the hospital, right?

25 A. I believe so, yes.

1 Q. And -- but his adjusted gross income goes up somewhat to
2 almost \$25,000, right?

3 A. Yes.

4 Q. And -- but not back to where he had been in 2009? You see
5 that?

6 A. Yeah. Correct.

7 MR. RIVERO: Let's look at the tax due and owing.

8 BY MR. RIVERO:

9 Q. That increases to \$9,169.04, right?

10 A. Yes.

11 Q. Okay.

12 MR. RIVERO: Judge, again, whenever the Court -- this
13 is a good natural --

14 THE COURT: All right. If this is a good point. So
15 let's take a 20-minute recess and I'll see you back in
16 20 minutes.

17 (Jury not present, 11:20 a.m.)

18 THE COURT: All right. Let me just -- Mr. Kleiman, if
19 I -- you are very soft-spoken and one of our jurors is in need
20 of just a little bit more amplification. So I would ask that
21 you just speak right into the microphone, sir.

22 All right. I'll see you back here in 20 minutes.

23 (Recess from 11:21 a.m. to 11:40 a.m.)

24 THE COURT: All right. Welcome back.

25 Before we bring the jury in, is there anything we need

1 to address?

2 MR. RIVERO: Not from the Defense, Your Honor.

3 THE COURT: All right. Let me stress that I know Alex
4 Fernández, one of the courtroom deputies, did advise it's
5 extremely important that you alert the Court as to the next
6 exhibit to be shown -- I'm actually referring to the individual
7 that is helping you, as well as on the Plaintiffs' side --
8 before it is displayed. Because the clerk does not know unless
9 you communicate.

10 MR. RIVERO: And Judge, what I'm trying to do, and I
11 may not be doing it consistently enough -- but I'm trying to
12 say: "Show it to the witness and Plaintiffs' counsel," meaning
13 don't publish to the jury.

14 But if that --

15 THE COURT: Right. So it's important when you say:
16 "Let's show the next exhibit," that you articulate: "Only to
17 the witness and to counsel".

18 MR. RIVERO: I'm trying to do that, Judge.

19 THE COURT: So that the clerk will turn over the
20 screens for the jurors.

21 Okay. All right. Let's continue.

22 MS. MCGOVERN: Your Honor, may I ask a favor?

23 THE COURT: Yes. Ms. McGovern?

24 MS. MCGOVERN: We need IT again for this screen. It's
25 not coming on. But I didn't want to interrupt the flow.

1 THE COURT: All right. Yeah. Let's go ahead and call
2 IT. I apologize for that.

3 MS. MCGOVERN: No problem.

4 THE COURT: We'll make sure they come in right away.

5 Ms. McGovern, can you use the other screen until they
6 come in?

7 MS. MCGOVERN: Yes. Yes.

8 THE COURT: Thank you.

9 MR. BRENNER: Your Honor --

10 THE COURT: Mr. Brenner?

11 MR. BRENNER: Yeah. If Mr. Rivero -- he's had the
12 demonstrative up the length of his entire examination. I'm not
13 sure why that is.

14 (Court reporter interruption.)

15 MR. BRENNER: If Mr. Rivero is done with the devices
16 demonstrative, which he hasn't talked about in about three
17 hours, I would ask that it be taken down.

18 MR. RIVERO: Judge, I'm going to use it in my
19 examination.

20 THE COURT: All right.

21 (Before the Jury, 11:42 a.m.)

22 THE COURT: All right. Welcome back. Please be
23 seated and we'll continue with the cross-examination.

24 CROSS-EXAMINATION [CONTINUED]

25

1 BY MR. RIVERO:

2 Q. Mr. Kleiman, I want to correct a date that I had misstated
3 and put up incorrectly.

4 MR. RIVERO: So I'm going to ask Mr. Shah to show just
5 you and Plaintiffs' counsel and the Court, of course, the
6 original complaint in this case.

7 BY MR. RIVERO:

8 Q. And sir, showing that to you, does that refresh your
9 recollection that this lawsuit was filed on February 14, 2018?

10 A. Yes. That's correct.

11 Q. All right. And Mr. Kleiman, I had mistakenly said
12 February 18 -- I'm just going to take this in red and write
13 February 14. So the dates continue to cooperate. It was a
14 Valentine's Day filing, right?

15 A. Yes.

16 Q. Okay. Thank you.

17 Now, going back to the subject of your brother's -- your
18 brother's finances. He was the kind of person who would get
19 into debt and then stay in debt; isn't that right?

20 A. I knew that there were times, yes, where he would be in
21 debt, yes.

22 Q. There was a circumstance at one point where your father and
23 the family lawyer, Joseph Karp, managed to get him out of debt
24 and then he promptly went out and bought a motorcycle that he
25 really couldn't afford?

1 A. Yes.

2 Q. And his finances were very bad by 2012?

3 A. By when?

4 Q. By 2012.

5 A. I -- yes. I think so.

6 Q. Before he passed away, he was starting to borrow money from
7 friends and family; isn't that right?

8 A. I don't know about what he borrowed from friends. But yes,
9 I do recall him borrowing some money from my dad.

10 Q. He borrowed money from your elderly father before he died?

11 A. Yes.

12 Q. He didn't borrow money from you?

13 A. He didn't borrow money from me. But I do recall in 2012 we
14 inherited some money from my oldest brother and I gave him my
15 share of it because I had heard that, you know, he could use
16 the money.

17 Q. He was in mortgage foreclosure before he passed away,
18 wasn't he?

19 A. Say that again.

20 Q. He was -- he was in -- he was in mortgage foreclosure
21 before he passed away?

22 A. Before he passed -- yeah, I believe I learned of that after
23 he passed away, yes.

24 Q. Right. I'm not suggesting -- you didn't know his finances
25 in life, correct?

1 A. Not too much of them, no.

2 Q. But you learned a whole bunch when you took over the
3 estate, right?

4 A. Yes. I learned some, yes.

5 Q. And one of the things you learned was his house was in
6 foreclosure when he passed away?

7 A. Yes.

8 Q. And you gave instructions to get his TransUnion credit
9 report, didn't you?

10 A. Trans -- you mean like during the litigation --

11 Q. No.

12 A. -- or --

13 Q. No. In 2014.

14 A. 2014.

15 MR. RIVERO: Let me show you --

16 THE WITNESS: Possibly.

17 MR. RIVERO: -- what's been marked as Defendant's 481.

18 BY MR. RIVERO:

19 Q. Sir, do you recognize that document?

20 A. I don't remember it. But I suppose my attorney, yeah,
21 filed this.

22 Q. Okay. And let me -- this is -- I guess this is Page 101.
23 This was a request that you made to the -- of the consumer
24 credit information, correct?

25 A. It appears to be.

1 MR. RIVERO: Judge, I would move the admission of
2 Defendant's 481.

3 MR. BRENNER: No objection, Your Honor.

4 THE COURT: Admitted into evidence.

5 (Defendant's Exhibit 481 received into evidence.)

6 MR. RIVERO: If you could publish now to the jury.

7 Thank you.

8 BY MR. RIVERO:

9 Q. This was -- on May 21, 2013 you asked for his credit
10 report, right.

11 A. Yes.

12 Q. And actually, I want to show you also Defendant's 396 --

13 MR. RIVERO: Only to the witness, the Court, and
14 Plaintiffs' counsel.

15 BY MR. RIVERO:

16 Q. Can you see that, Mr. Kleiman?

17 A. Yes. I see it.

18 Q. And this is something that you saw as the executor of the
19 estate, did you not?

20 A. I believe so.

21 Q. Yeah. And this is --

22 MR. RIVERO: Judge, I would move the admission of this
23 document, Defendant's 396.

24 MR. BRENNER: I'm sorry. No objection, Judge.

25 THE COURT: Without objection. Admitted into

1 evidence.

2 (Defendant's Exhibit 396 received into evidence.)

3 MR. RIVERO: I'd ask it be published to the jury.

4 BY MR. RIVERO:

5 Q. By happenstance, sir -- I believe it was by happenstance --
6 the bank, Wells Fargo Bank, dismissed a lis pendens on
7 April 26th, 2013, right?

8 A. I don't know what that is.

9 Q. Okay.

10 MR. RIVERO: Can we see Page 2.

11 BY MR. RIVERO:

12 Q. Okay. By the way, I see here that it has a bunch of
13 things. If you see the service list here on this document, do
14 you see that it says: "David A. Kleiman, 3119 Contego Lane"?
15 Right?

16 A. Yes.

17 Q. Was that his house?

18 A. Yes. That's where he lived.

19 Q. All right.

20 MR. RIVERO: If we go back to the first one.

21 BY MR. RIVERO:

22 Q. You do know that there was a lawsuit from Wells Fargo Bank,
23 as trustee for Option One Mortgage Loan Trust -- and there's a
24 bunch of numbers -- versus David A. Kleiman, right?

25 A. I'm not sure I was aware of it.

1 Q. I'm saying you saw it after the fact?

2 A. I may have.

3 Q. All right. Now, let me ask you to --

4 MR. RIVERO: If we can show just Mr. Kleiman, the
5 Court, and Plaintiffs' counsel D58. Defendant's 58.

6 MR. BRENNER: Can I ask to just see the second page,
7 please.

8 MR. RIVERO: Can we show the second page?

9 All right. And let's return to the -- Plaintiffs'
10 counsel have seen it. Return to the first page.

11 MR. BRENNER: I've seen it. Thank you.

12 MR. RIVERO: And, Judge --

13 BY MR. RIVERO:

14 Q. Mr. Kleiman, this is -- this email reflects it was mailed
15 from David Kleiman to David Kleiman on June 30, 2018, right?

16 A. Yeah, it appears to be.

17 Q. Yeah. Isn't what happened is that -- obviously David
18 Kleiman was not alive on June 30, 2018, right?

19 A. No. No.

20 Q. You took this email and emailed it from David Kleiman's
21 email to David Kleiman's email, right?

22 A. That, I don't remember.

23 Q. Well, sir, let me ask you: After your brother passed in
24 2018, was there anybody else who was in control of your
25 brother's email addresses?

1 A. Well, I have to figure out what time Patrick returned the
2 domain name back to me.

3 Q. All right. In any event, sir, do you take any issue with
4 the contents of the email?

5 A. Is this the entire contents, what I'm seeing now?

6 Q. No. You have to see the --

7 MR. RIVERO: If we could show the entire thing.

8 THE WITNESS: Can you like zoom in so I can like see
9 it?

10 MR. RIVERO: Okay. Let's show -- Mr. Shah, if you
11 show -- the relevant part starts with "David."

12 If you can make that bigger.

13 Yeah. Thank you.

14 BY MR. RIVERO:

15 Q. Sir, do you remember seeing this?

16 A. No, I don't.

17 MR. RIVERO: Judge, I move the admission of this as --
18 let me just see if you can -- come out, sir.

19 This is -- Judge, I move the admission of
20 Defendant's 58.

21 MR. BRENNER: No objection, Your Honor.

22 THE COURT: Admitted into evidence.

23 (Defendant's Exhibit 58 received into evidence.)

24 BY MR. RIVERO:

25 Q. Sir, you're aware, of course, your side produced this to

1 us. Do you see at the bottom "Kleiman" with a number?

2 A. Yes.

3 Q. Okay. Sir, what this --

4 MR. RIVERO: Mr. Shah, if we can show it to the jury,
5 and then can you go back and blow up the part that says
6 "David."

7 Right. And if you would just highlight: "We're
8 notifying you that as of April 11, 2013 your Capital One Visa
9 business account balance is \$2,081.67."

10 BY MR. RIVERO:

11 Q. Do you see that?

12 A. Yes.

13 Q. Now, were you aware that that's what was in his business
14 just a matter of a couple of weeks before his passing?

15 A. I don't remember.

16 Q. Okay. Let me show you what's been marked -- just you, the
17 Court, and Plaintiffs' counsel, what's been marked as D15.

18 You remember that you made a request through Mr. Karp for
19 David Kleiman's credit report in May of 2014. You recall that,
20 right?

21 A. We may have.

22 Q. Okay. Well, you saw the request?

23 A. Yes.

24 Q. All right. And then do you see this says at the bottom:

25 "Karp 00096"? You see that?

1 A. Yes. I see it.

2 Q. Okay. And do you see that this is a --

3 MR. RIVERO: Judge, I take note that there is a Social
4 Security number and I assume that the appropriate thing would
5 be to take that off.

6 BY MR. RIVERO:

7 Q. Do you see it's a TransUnion consumer credit report?

8 A. Yes. I see that.

9 Q. And do you see the subscriber was Karp Law?

10 A. Yes.

11 MR. RIVERO: Judge, I move the admission of what's
12 been marked as Defendant's 15.

13 THE COURT: Subject to its redaction, is there any
14 objection?

15 MR. BRENNER: No objection, Your Honor.

16 THE COURT: Admitted into evidence.

17 (Defendant's Exhibit 15 received into evidence.)

18 BY MR. RIVERO:

19 Q. All right, sir. Now, this was a credit report --

20 MR. RIVERO: If we can show it to the jury.

21 Thank you.

22 BY MR. RIVERO:

23 Q. -- that you and Mr. Karp obtained about David Kleiman,
24 dated May 21, 2013, correct?

25 A. Yes.

1 Q. That's a matter of weeks after David's death, right?

2 A. Right.

3 Q. And then this shows --

4 MR. RIVERO: It's a little bit hard to read, but if we
5 could move it up, Mr. Shah.

6 A little bit hard to understand.

7 Keep going up.

8 And I may need help interpreting this myself. Judge,
9 may I have one moment to consult with my --

10 THE COURT: Certainly.

11 MR. RIVERO: Thank you.

12 (Pause in proceedings.)

13 MR. RIVERO: On the second page, Mr. Shah, if you
14 would show that -- I'm sorry -- the last page.

15 And -- yeah, not that.

16 BY MR. RIVERO:

17 Q. I'll indicate to you -- do you see where it says --

18 Mr. Kleiman, do you see where it says in the -- just above the
19 middle of the page: "On 5 of 5"?

20 MR. RIVERO: If you would pull out "Inquiries."

21 BY MR. RIVERO:

22 Q. You see that?

23 A. Yes.

24 Q. Do you see that the inquiries that had been made as to your
25 brother were obviously on May 21st, 2013. His and your lawyer,

1 Mr. Karp, asked for his credit information? Right?

2 A. Yes.

3 Q. And that's why we're seeing it here, right?

4 A. I suppose so.

5 Q. Then you see that on April 22nd, 2013 there's a -- it's
6 called a "pull." There's an inquiry by Springleaf Financial.
7 Do you see that?

8 A. Yes. I see it.

9 Q. Do you understand that very shortly before his death, David
10 Kleiman had gone to a -- sort of a lender of last resort,
11 Springleaf Financial, to try to get some credit?

12 A. Okay.

13 Q. Do you see that?

14 A. Yes. I see it.

15 Q. All right.

16 MR. RIVERO: And while we're at it, if we can go back,
17 Mr. Shah, and show the first and second pages, just somewhat
18 slowly.

19 BY MR. RIVERO:

20 Q. Do you see, sir, that you -- that there's a --

21 MR. RIVERO: Let's do Page 2, Mr. Shah.

22 BY MR. RIVERO:

23 Q. -- that there are a number of items that show past due
24 amounts?

25 MR. RIVERO: The first entry on Page 2, the third

1 entry on Page 2 -- if you can go up a little bit more -- the
2 fourth entry on Page 2.

3 BY MR. RIVERO:

4 Q. Do you see those?

5 A. Yes. I see it.

6 MR. RIVERO: Continuing down.

7 All right. And if you can go to Page 3.

8 Page 4.

9 Okay. And Page 5, just so the jury can see it.

10 BY MR. RIVERO:

11 Q. All right. Now, you, in fact, knew what he had because you
12 started liquidating everything very shortly after his death,
13 no?

14 A. Could you repeat that, please.

15 Q. You knew what he had because you started liquidating
16 everything after his death as the executor of the will, right?

17 A. I knew what he had? That's --

18 Q. In other words, sir, you knew what his possessions were?

19 A. Yes. His personal possessions inside his home I knew of,
20 yes.

21 Q. Right. Okay. So you -- for example, you sold the home AC
22 units in August of 2013, right?

23 A. My dad had purchased it like shortly before he passed. And
24 he asked me if I could sell it and return the cash to him, yes.

25 Q. You put his wheelchair up for a quickie sale, you called

1 it, in July of 2013, right?

2 A. I think we did list it on Craigslist, but we just ended up
3 leaving it in his home. It was never sold.

4 Q. Okay. You attempted.

5 A. We were thinking about selling it, but we didn't.

6 Q. Let me show you Defendant's D257.

7 MR. RIVERO: Only to the witness, the Court, and
8 Plaintiffs' counsel.

9 BY MR. RIVERO:

10 Q. Was this -- this is something you posted, Mr. Kleiman, as
11 the executor of David Kleiman's estate?

12 A. Yes. It probably was.

13 Q. Yeah. And it's a post --

14 MR. RIVERO: Judge, I would move the admission of
15 Defendant's 257.

16 MR. BRENNER: No objection, Your Honor.

17 THE COURT: Admitted into evidence.

18 (Defendant's Exhibit 257 received into evidence.)

19 BY MR. RIVERO:

20 Q. And so you sought to list on Craigslist a Quickie Triumph
21 wheelchair, right, for sale?

22 A. Yeah. We weren't sure what to do with all of his things.
23 So we were thinking about putting some of it for sale on
24 Craigslist.

25 Q. Okay. Now, you certainly weren't sitting on this. You

1 were trying to get to it and get it -- just get the possessions
2 disposed of, right?

3 A. Certain things, yes.

4 Q. Now, leaving aside how you dealt with his estate, you agree
5 with me that your brother was a person who would spend money as
6 he got it and that he was not a saver?

7 A. I couldn't hear you there.

8 Q. I'm sorry. I'm sorry. Leaving aside how you dealt with
9 his estate, would you agree with me that your brother was a
10 person who would spend money as he got it? He was not a saver?

11 A. Yes. He was not a saver.

12 Q. Okay.

13 A. I wouldn't -- couldn't call him a saver, yes.

14 Q. You, when you were looking at this circumstance, could not
15 understand how he would not have cashed in Bitcoin if he had
16 them to pay his home mortgage; isn't that right?

17 A. Yes. I thought it was strange.

18 Q. In fact, you told --

19 MR. RIVERO: And I'd like to show Joint Exhibit 103 to
20 everyone.

21 MR. BRENNER: Your Honor, that's not -- listed as
22 D283. I don't know what's being shown.

23 MR. RIVERO: Oh, I'm sorry. It's Joint Exhibit 103,
24 unless I'm mistaken, in which case please take it down. Please
25 take it down.

1 Judge, let me just make sure I'm not making an error.

2 (Pause in proceedings.)

3 MR. RIVERO: Judge, in the meantime, while that's
4 being looked for, I'd like to have just Mr. Kleiman look at
5 Defendant's 283, if it can be shown to counsel and to
6 Mr. Kleiman.

7 MR. BRENNER: I would just ask that he scroll through
8 the exhibit so we can see it.

9 (Pause in proceedings.)

10 MR. RIVERO: Judge, I'm sorry. I don't think there
11 was confusion.

12 THE COURT: Yeah. 283 was withdrawn. So what is
13 the --

14 MR. RIVERO: It's Joint Exhibit 103.

15 Okay. So Judge, I would like to show Joint Exhibit
16 103. If Mr. Shah would show it and it could be published to
17 the jury.

18 THE COURT: All right.

19 MR. RIVERO: And what I'd like to do is, Mr. Shah, if
20 you would move to the February 14 email from Ira Kleiman to
21 Craig Wright. Should be perhaps on Page 2.

22 Page 2.

23 COURTROOM DEPUTY: This is the correct one?

24 MR. RIVERO: Yes, it is.

25 Mr. Shah, could you just show -- I don't know how many

1 pages this is. It's a February 14 email. If you could scroll.

2 Keep scrolling down.

3 Can you scroll to the next page.

4 And the next page -- I'm sorry for the confusion, Your
5 Honor. May I have one moment to straighten this out? I
6 apologize.

7 THE COURT: All right.

8 (Pause in proceedings.)

9 MR. RIVERO: All right. I'm sorry. I'm sorry for the
10 confusion.

11 Mr. Shah, please go to Page 1.

12 BY MR. RIVERO:

13 Q. And that's actually -- sir, if you would look at not the
14 top email, but the one below it on 15/02/2014 at 3:47 p.m.,
15 "Ira Kleiman." Do you see that?

16 A. Yes. I see it.

17 Q. Now, Mr. Kleiman, I can't help but notice, a lot of these
18 emails that you produced in this case -- you produced that
19 email, right?

20 A. I believe so.

21 Q. A lot of those don't look like my emails, Mr. Kleiman. Do
22 you know why they don't have the To/From on each entry?

23 A. I don't know. Maybe this is a forwarded message.

24 Q. Well, sir, you produced the email. And I'm asking you: Do
25 you know why all these emails that you're -- that you have

1 given us don't have the To/From line?

2 A. I don't know.

3 Q. Okay. But you see that this doesn't -- it doesn't reflect
4 From, Sent, To, Subject at this point, right?

5 A. This one doesn't appear to be --

6 Q. Right. And a lot of the emails that you have produced and
7 that have been shown in this case from your production don't
8 have that, do they?

9 A. Well, I know that we definitely do have those, but I don't
10 know what -- I'm not in charge of what's produced to you.

11 Q. You believe you have the emails with the standard From,
12 Sent, To, Subject lines, like normal emails?

13 A. Yeah, definitely.

14 Q. Okay. Sir, the email you list -- you used here was
15 "clocktime," right?

16 A. Yes.

17 Q. That's one you use a lot?

18 A. With Craig, I believed, yes.

19 Q. But you also have one that's Dex, right?

20 A. I have many, many email addresses.

21 Q. You have more than 30 email addresses?

22 A. Yes. Lots of them, yes.

23 Q. Some of them are like in the name -- some have like David
24 Kleiman's name in there, right?

25 A. When this litigation stuff started, I think I did set up

1 some, you know, because it was related to Dave. So that's why
2 I put his name in there.

3 Q. Is that a "yes"?

4 A. Yeah. That's a "yes."

5 Q. You have email addresses with David Kleiman's name in them,
6 right?

7 A. I have possession of his domain name. So yes, I do.

8 Q. You've used some where you held yourself out as emailing on
9 behalf of David Kleiman; isn't that true?

10 A. Yes. Sometimes I'll send myself an email from his
11 address --

12 Q. Okay.

13 A. -- on my birthday, because that's what he would do --

14 MR. RIVERO: Let's do this: Let's publish --

15 MR. BRENNER: The witness is still finishing his
16 answer.

17 THE COURT: Yes. The witness will be allowed to
18 finish his answer.

19 MR. RIVERO: I apologize.

20 THE WITNESS: I would send myself like a birthday
21 message from his email address because that's what he would do
22 every year.

23 MR. RIVERO: Okay. Now, I'd like to publish what I
24 believe is Joint Exhibit 103, if I'm not mistaken, to the jury.

25 THE COURT: All right. You want to introduce it into

1 evidence?

2 MR. RIVERO: Yes, Your Honor.

3 THE COURT: All right.

4 Any objection -- it's a joint exhibit. So that will
5 be in evidence.

6 (Joint Exhibit 103 received into evidence.)

7 MR. RIVERO: So Joint Exhibit 103 is now in front of
8 the jury.

9 BY MR. RIVERO:

10 Q. The highlighted part is this -- is the indication of a new
11 email in our production of emails, right?

12 A. Could you repeat that, please.

13 Q. Sir, the way that you have given us this email, the fact
14 that it has this little line, that is what means there's a
15 separation between the email before and the next one, right?

16 A. I suppose so.

17 Q. Well, is the text that follows the yellow highlights --
18 that's from you?

19 A. Yes, that is.

20 Q. And so you're writing to Craig Wright on February 15, 2014,
21 right?

22 A. Yes.

23 Q. And what you say is, at the bottom: "I still don't
24 understand why Dave didn't cash in these Bitcoins if they were
25 of any value. His house was in foreclosure and he certainly

1 could have used the money."

2 Right?

3 A. Yes.

4 Q. Okay. And that's what you thought?

5 A. Yes. That's what I thought.

6 Q. And then, sir, it was your view that if there was anything
7 of value in his account, he would have liquidated it because he
8 was hard up for money?

9 A. Yeah. That seemed like the logical thing to do.

10 Q. Let's look at --

11 MR. RIVERO: I'd like to show just the witness,
12 Plaintiffs' counsel, and the Court Defendant's 284.

13 BY MR. RIVERO:

14 Q. And sir, I'm going to direct your attention to the first
15 email. This is an email from you to Craig Wright, copying the
16 person named Uyen Nguyen; is that right?

17 MR. BRENNER: I would ask -- could we just see the
18 exhibit. Just scroll through the exhibit.

19 THE COURT: Is it on your screen, Mr. Brenner?

20 MR. BRENNER: Yeah, but only the first page is
21 showing. Now I have all four.

22 Thank you.

23 THE COURT: All right.

24 MR. BRENNER: Thank you.

25 MR. RIVERO: Judge, move the admission of

1 Defendant's 284.

2 THE COURT: Is there any objection?

3 MR. BRENNER: No objection.

4 THE COURT: Admitted into evidence.

5 (Defendant's Exhibit 284 received into evidence.)

6 BY MR. RIVERO:

7 Q. Sir, let's see what you say on February 15.

8 You say -- saying: "I guess what I'm saying is since Dave
9 never took the time to cash the Bitcoins in, do you believe
10 there's enough value in trying to decrypt drives to find the
11 keys? He was hard up for money and if he didn't cash them in,
12 I find it hard to believe there's anything of worth in his
13 account."

14 Is that right?

15 A. Yes. I wrote that.

16 Q. Okay. And that's what you believed at the time?

17 A. Yes.

18 Q. All right. Now, in your view, that --

19 MR. RIVERO: If we can show the witness and counsel
20 and the Court P156.

21 BY MR. RIVERO:

22 Q. Your belief is that -- well, let me just ask you: Is this
23 an email from Craig Wright -- an exchange that you had with
24 Craig Wright?

25 A. Yes, it is.

1 MR. RIVERO: Mr. Shah, could you show the exhibit so
2 that counsel can see it. In other words, if you could scroll.

3 (Pause in proceedings.)

4 MR. BRENNER: Your Honor, he doesn't need to scroll
5 this one. It's already in evidence by my ...

6 MR. RIVERO: I'm sorry?

7 MR. BRENNER: Yeah. I believe this is already in
8 evidence. I don't need him to scroll.

9 MR. RIVERO: Oh, perfect.

10 All right. Let's publish it to the jury, if you
11 would.

12 Going back, Mr. Shah, to the first email.

13 BY MR. RIVERO:

14 Q. That's from Craig to you, correct?

15 A. Yes, it is.

16 Q. Okay.

17 MR. RIVERO: And let's go to -- if we could go down to
18 the statement -- if you can go to the next page, sir.

19 And the next.

20 BY MR. RIVERO:

21 Q. So in your discussion, who says this, Mr. Kleiman? Because
22 sometimes it's hard to understand. Do you see on Page --

23 MR. RIVERO: Mr. Shah, is there a page number at the
24 bottom of this?

25 No?

1 BY MR. RIVERO:

2 Q. Okay. This ends in identifier 871. Do you see that,
3 Mr. Kleiman, at the bottom?

4 A. Yes. I see it, yes.

5 Q. So it looks like from Ira Kleiman mailed to --

6 MR. RIVERO: If you can highlight that.

7 Yeah. Right there.

8 BY MR. RIVERO:

9 Q. It looks like from you and then there's is a split. I see
10 now. There's a split in the From, Sent, To, Subjects?

11 A. Yes. I see that.

12 Q. Do you know why that happened?

13 A. No.

14 Q. Does that happen -- I mean, that doesn't happen
15 automatically on my computer. Does it happen automatically on
16 yours?

17 A. I don't recall noticing. I don't know.

18 Q. Okay. So -- but what you said was: "Dave would prefer to
19 lock in secured gains that have already been made."

20 A. Yes.

21 Q. And that's -- that was your description of what you
22 believed your brother would have done, right?

23 A. Yes.

24 Q. Okay. You also stated --

25 MR. RIVERO: And I'll just show you Defendant's 285.

1 And we have to find -- Mr. Shah, this is going to be an entry
2 for February 15 from Ira Kleiman.

3 Okay. Can we see the next page?

4 BY MR. RIVERO:

5 Q. Do you recognize this, Mr. Kleiman?

6 A. Yes, I do.

7 MR. RIVERO: Your Honor, I'd move the admission of
8 285.

9 THE COURT: It's in evidence, sir.

10 MR. BRENNER: Can I have them scroll through the
11 remainder of the document?

12 THE COURT: Defendant's 285 is in evidence already.

13 MR. BRENNER: Yeah, I think -- yes.

14 MR. RIVERO: Oh, it is in evidence.

15 Thank you, Judge.

16 One moment, Judge.

17 (Pause in proceedings.)

18 MR. RIVERO: Judge, I think I made the warning that
19 I'm not necessarily the most tech-savvy person. So I apologize
20 for any kind of breaks in the timing.

21 THE COURT: All right. Not a problem.

22 (Pause in proceedings.)

23 BY MR. RIVERO:

24 Q. Okay. Sir, I'm going to --

25 MR. RIVERO: Mr. Shah, if you can go to Page 5.

1 I'm sorry. It's Page 5 of the -- yeah. Page 5.

2 Okay. This is it.

3 Thank you.

4 BY MR. RIVERO:

5 Q. So sir, this is an email that you wrote to Mr. Wright -- to
6 Dr. Wright on February 15th, 2014, right?

7 A. Yes.

8 Q. And --

9 MR. RIVERO: Judge, I move the admission of this
10 document, if it hasn't already -- I believe it may have been
11 admitted.

12 THE COURT: Is this 285?

13 MR. RIVERO: Yes, Judge.

14 THE COURT: It's in evidence.

15 MR. RIVERO: Thank you very much.

16 BY MR. RIVERO:

17 Q. Sir, you said to Dr. Wright: "Knowing my brother, if there
18 was more than a thousand dollars in the account, he would have
19 sold it. He didn't like asking people for help. But during
20 the last few months, he borrowed money from both my dad and
21 Patrick."

22 Do you see that?

23 A. Yes.

24 Q. So does that refresh your recollection that he had borrowed
25 from Patrick Paige?

1 A. I recall Patrick telling me after Dave passed that --

2 Q. Right.

3 A. -- he may have borrowed a few dollars from him, yes.

4 Q. Well, you certainly knew it on February 15th, 2014, right?

5 A. Whether I remembered that -- yeah, I suppose I knew, yes.

6 Q. Well, you said it, right?

7 A. Yes.

8 Q. Okay. And then you said: "That's what leads me to believe
9 there's not much value in the account, if any." Right?

10 A. Yes.

11 Q. "Also, the fact" -- "Also, the fact that he didn't mention
12 the account to anyone or leave some kind of note about it."
13 Right?

14 A. Yes.

15 Q. "I truly believe there's no treasure to be found there.
16 But if you could provide some kind of hard proof that he was
17 involved in creating Bitcoin, that would be a nice consolation.
18 I'm not exactly sure how you can prove it."

19 You said that, right?

20 A. Yes.

21 Q. You had an ulterior motive, didn't you, sir?

22 A. Ulterior motive?

23 Q. Weren't you already consulting with a lawyer?

24 A. By February?

25 Q. Yes, sir.

1 A. No. I didn't even mention it to Joe Karp, I don't believe,
2 until like April of 2014.

3 Q. You admit -- you acknowledge that by -- days after April
4 15, 2014, you were already consulting with litigation counsel
5 to discuss litigation, weren't you?

6 A. No.

7 Q. Sir --

8 A. Where are you getting this from?

9 Q. Sir -- sir, don't you have --

10 MR. BRENNER: He was not done with his answer, Your
11 Honor.

12 THE COURT: Why don't you complete your answer, sir.

13 THE WITNESS: I'm just wondering where you're getting
14 this information from because --

15 MR. RIVERO: Judge, I think his answer was complete.

16 BY MR. RIVERO:

17 Q. Sir, isn't it true that you have materials in this case
18 marked as "work product" in anticipation of litigation by April
19 of 2014? Isn't that true?

20 MR. BRENNER: Objection, Your Honor. Relevance.

21 THE COURT: Sustained.

22 MR. RIVERO: Judge, if I may be heard.

23 THE COURT: Why don't you ask it another way.

24 MR. RIVERO: Okay. Thank you. I'll develop it before
25 we get there.

1 BY MR. RIVERO:

2 Q. Sir, on December 4, 2015, you told a reporter your brother
3 would have spent any Bitcoin of value before he died broke,
4 right?

5 A. I don't recall, but I may have.

6 Q. Let me show you what's been marked as Defendant's 489.

7 MS. MCGOVERN: And if we could just show that to the
8 witness, counsel, and Court.

9 BY MR. RIVERO:

10 Q. All right. Sir, this is an email from David -- Dave K2?

11 A. Okay. Yeah, it's one of the email addresses I set up.

12 Q. Right. And --

13 MR. RIVERO: Judge, I would move the admission of
14 Defendant's 489.

15 THE COURT: Is there any objection?

16 MR. BRENNER: No objection, Your Honor.

17 THE COURT: All right. Admitted into evidence.

18 (Defendant's Exhibit 489 received into evidence.)

19 BY MR. RIVERO:

20 Q. This is an email --

21 MR. RIVERO: If we can show it to the jury.

22 BY MR. RIVERO:

23 Q. This is an email you wrote to a reporter named Andy Cush
24 about a story, right?

25 A. Yeah. I believe I was responding to him, yes.

1 Q. Okay. Well, this is not a response email, is it, sir?

2 A. I believe he reached out to me. And then I'm emailing him
3 back.

4 Q. Okay.

5 MR. RIVERO: Well, can I see the entire email?

6 BY MR. RIVERO:

7 Q. There's no predecessor email that's produced, right?

8 A. I don't know. Maybe I spoke to him on the phone or
9 something. I don't -- but I wouldn't first reach out to a
10 reporter, that's for certain.

11 Q. This came from your side.

12 A. What's that?

13 Q. This was produced by your side, right?

14 A. Yes.

15 Q. So what you say to Andy Cush is you start by saying: "At
16 the moment, I just don't see much upside in participating in
17 your story," but then -- and the jury can see the rest of it.

18 But at the bottom, you say -- this is in 2015 -- "If my
19 brother had Bitcoin of any value, he wouldn't have died with
20 only debts. He was in and out of the VA hospital for about two
21 years before he passed away, so he didn't have a steady income.
22 And shortly before he died, I learned that his house was in
23 foreclosure."

24 So, Mr. Kleiman, you knew his house was in foreclosure not
25 from being his executor; you knew it before he died?

1 A. I don't know for certain. It's hard to remember exactly,
2 you know, what I knew back then.

3 Q. But this is what you knew in 2015?

4 A. Yeah. It's just -- I guess I'm just recalling, you know,
5 what I thought I remembered, yes.

6 Q. "If David owned a great number of Bitcoin, why wouldn't he
7 sell a few to help pay off his bills?"

8 You said that, right?

9 A. Yes. I mean, that's -- I'm just explaining my logic.

10 Q. Right. And, Mr. Kleiman, it just didn't make any sense to
11 you, knowing your brother as you did, that he wouldn't sell off
12 some of the Bitcoin to pay his bills?

13 A. I think, as I explained before, if this was a very
14 secretive project, that might explain away his behavior. But
15 under normal circumstances, it would seem kind of illogical --
16 to access money, you know, if you really need it.

17 Q. I take it that that is an answer -- in answer to my
18 question, what you're saying is you believed the statement that
19 you made at the time; isn't that right?

20 A. Which statement is that?

21 Q. The statement that if David owned a great -- I'm sorry --
22 he definitely would have sold some Bitcoin to pay his bills?

23 A. Yes. That was my logic.

24 Q. And the nightmare of David's debt kept pursuing you after
25 his death; isn't that right?

1 A. Kept pursuing me?

2 Q. Yes.

3 A. I don't know what you mean by that.

4 Q. Well, you would still get calls from -- each day from
5 David's debt collectors, right?

6 A. Yeah. I do recall getting some calls from debt collectors,
7 yes.

8 Q. And you got a summons from a bank, David Kleiman's bank,
9 right?

10 A. That, I'm not certain.

11 MR. RIVERO: Let me show you Joint Exhibit 31.

12 And, Your Honor, I'm going to move the admission of
13 this joint exhibit.

14 THE COURT: Admitted into evidence.

15 (Joint Exhibit 31 received into evidence.)

16 MR. RIVERO: Thank you.

17 BY MR. RIVERO:

18 Q. And sir, it is going to be -- let me -- actually, I have a
19 way to pull this up.

20 (Pause in proceedings.)

21 MR. RIVERO: Mr. Shah, if you would go to Page -- the
22 second page of this email chain.

23 Yeah.

24 BY MR. RIVERO:

25 Q. And sir, this is where you're having a discussion with

1 Craig Wright about how to handle shares in Coin-Exch., right?

2 A. Yes.

3 Q. Okay. And you were talking about whether you would choose
4 to sell some off that year. And we're talking about 2014,
5 right?

6 A. Yes.

7 Q. Right. And then you say: "I'm considering this route for
8 a couple of reasons."

9 MR. RIVERO: If you would highlight that for the jury,
10 Mr. Shah.

11 BY MR. RIVERO:

12 Q. "Being that I still get calls each day from Dave's debt
13 collectors, I stopped answering my phone and let all calls go
14 to voice mail. We also got served a summons from Dave's bank a
15 couple weeks ago. It appears he took loans out against his
16 house and owes \$560,000."

17 Do you see that?

18 A. Yes.

19 Q. Does that refresh your recollection that you were getting
20 calls from debt collectors at all times?

21 A. Yes. I said I do recall getting some calls.

22 Q. Well, so many calls you stopped answering your phone?

23 A. I don't know if it was that many calls. But yeah, I do
24 remember getting some.

25 MR. RIVERO: Your Honor, I'm glad to continue, if the

1 Court prefers, or we could take a break as well.

2 THE COURT: We're going to break at 1:00 for lunch.

3 MR. RIVERO: No problem.

4 One moment, Judge.

5 (Pause in proceedings.)

6 BY MR. RIVERO:

7 Q. Mr. Kleiman, during life -- you're the personal
8 representative for your brother, right?

9 A. Yes.

10 Q. And isn't it the case that during his lifetime he had -- he
11 had some email exchanges with Craig Wright?

12 A. According to what Craig produced to me, yes.

13 Q. Okay.

14 MR. RIVERO: And sir, I want to show you first what
15 has been marked as -- as Plaintiffs' 2.

16 Please, just the witness and counsel.

17 BY MR. RIVERO:

18 Q. All right. Sir, are you familiar with Plaintiffs' 2?

19 A. Yes. I've seen this.

20 MR. RIVERO: Judge, I'd move the admission of this
21 email between Craig Wright and Dave Kleiman, Plaintiffs' 2.

22 THE COURT: Any objection?

23 MR. BRENNER: I just need to see more of the document.

24 (Pause in proceedings.)

25 THE COURT: It's on the Plaintiffs' exhibit list.

1 MR. BRENNER: Okay. No objection, Your Honor.

2 THE COURT: All right. Admitted into evidence.

3 (Plaintiffs' Exhibit 2 received into evidence.)

4 MR. RIVERO: All right. And so, if you would,

5 Mr. Shah -- if you would highlight the top email, Craig Wright
6 to David Kleiman.

7 BY MR. RIVERO:

8 Q. Now, this is in your -- do you remember that this is
9 alleged in your complaint, Mr. Kleiman, this email?

10 A. I believe so.

11 Q. All right. So it says: "On March" --

12 MR. RIVERO: The thing I want you to highlight,
13 actually, Mr. Shah, because it is from Wright to Kleiman, could
14 you --

15 BY MR. RIVERO:

16 Q. The Sent date is March 12th, 2008 at 6:39 p.m., right?

17 A. Yes.

18 Q. Okay. Now, at that time, you were relying on this document
19 to say that Craig Wright said: "I need your help editing a
20 paper I'm going to release later this year."

21 MR. RIVERO: Can you highlight that, Mr. Shah?

22 BY MR. RIVERO:

23 Q. And it continues: "I have been working a new form of
24 electronic money, BitCash, Bitcoin." Right?

25 A. Yes.

1 Q. And then it continues: "You were always there for me,
2 Dave. I want you to be a part of it all."

3 A. Yes.

4 Q. And the end of that sentence is: "I cannot release it as
5 me, GMX, Vistomail, and Tor. I need your help. And I need a
6 version of me to make this work that is better than me."

7 Do you see that?

8 A. Yes, I do.

9 Q. Okay. Now, sir, there are then -- you understand that this
10 is -- this is less than eight months before the release of the
11 whitepaper, right?

12 A. Yes.

13 Q. Halloween Day 2008 -- yeah. Halloween Day 2008, right?

14 A. Right.

15 Q. Okay. So that's going to be -- let me just make sure I
16 have the math right. Actually, it's less than -- it's seven
17 and a half months before the release, right?

18 A. Okay.

19 Q. Okay. And now -- but your brother and Mr. -- and
20 Dr. Wright continue to correspond, correct?

21 A. According to these emails that Craig produced to me.

22 Q. I'm sorry, sir. I didn't hear you.

23 A. According to these emails produced to me, it appears that
24 way. But these were all like text emails. There's like no
25 metadata included. So --

1 Q. Are you -- are you giving expert testimony about metadata?

2 MR. BRENNER: Objection. Argumentative, Your Honor.

3 THE COURT: Sustained.

4 BY MR. RIVERO:

5 Q. Sir, are you giving testimony about metadata?

6 A. No. I'm just explaining what I noticed, that --

7 Q. Sir -- I'm sorry. Go ahead.

8 A. -- the messages were forwarded to me without metadata. So
9 I did somewhat question whether they were real or not.

10 Q. Okay. Wait. So did you analyze the metadata?

11 A. There was no metadata.

12 Q. Okay. So that's my question: Do you know how to analyze
13 metadata?

14 A. No.

15 Q. All right. So when you say to the jury that "I noticed
16 there was no metadata," how did you notice there was no
17 metadata if you don't know how to analyze metadata?

18 A. Oh, well, I can detect if metadata exists or not. Yes,
19 that I can do.

20 Q. Okay. So are you saying there's no -- this is Plaintiffs'
21 2. You're saying there's no metadata to this document?

22 A. I'm just saying to the emails that I personally received
23 from Craig, there was no metadata attached to it.

24 Q. Well, I'm not sure I'm understanding what you're saying,
25 sir.

1 MR. RIVERO: Can you show the whole document,
2 Mr. Shah.

3 BY MR. RIVERO:

4 Q. Okay. This isn't an email to you. This is an email from
5 Craig Wright to David Kleiman.

6 A. Yeah. I'm saying that I recall receiving this email from
7 Craig. I know -- the one that you're showing here is not that.
8 But he forwarded me the same thing and it didn't include any
9 metadata.

10 Q. Okay, sir. But you have no idea about the document you're
11 looking at right now because it's a different document, right?

12 A. I think it's essentially the same thing.

13 Q. Sir, you're saying he sent something to you -- that's one
14 email. That's one thing, right?

15 A. But it's this email.

16 Q. But this is something else?

17 A. No. I'm saying -- I'm saying I recognize this email as
18 being sent to me from --

19 Q. Is it your position --

20 MR. BRENNER: Your Honor, he's in the middle of an
21 answer again.

22 THE COURT: Please finish your answer, sir.

23 THE WITNESS: I recognize receiving this email from
24 Craig.

25

1 BY MR. RIVERO:

2 Q. Right. I'm --

3 A. He forwarded it to me.

4 Q. I'm not asking you if you received the email. The email is
5 in evidence. I'm just asking you, first of all, that you saw
6 it and now you volunteered that you know about the metadata of
7 this document. Isn't that right?

8 A. No. I'm saying that the email that I received that appears
9 like this didn't contain any metadata.

10 Q. Okay. Sir, is it your position that that's -- you allege
11 that email, March 12, 2008, in your complaint. Do you
12 understand that?

13 A. My attorneys may have done that. I don't know.

14 Q. Okay. We've seen it before, sir. Do you remember that
15 it's in your complaint as an allegation of what happened?

16 MR. BRENNER: Objection. Asked and answered.

17 THE COURT: Overruled. I'll allow it.

18 THE WITNESS: I don't remember seeing it, no.

19 BY MR. RIVERO:

20 Q. Okay. I'm not going back over it.

21 But sir, is it your position now as you sit here in front
22 of the jury -- are you saying this is fake?

23 A. What I'm saying is: I don't know.

24 Q. Okay. Sir, what I was asking was: There are emails
25 between David Kleiman and Craig Wright within hours after this,

1 right?

2 A. Possibly. I don't know.

3 Q. Okay. Let me show you what's been marked as -- as
4 Defendant's 60.

5 MR. RIVERO: Just to the witness and to the Court and
6 counsel.

7 And Mr. Shah, show it to counsel, so they can ...

8 (Pause in proceedings.)

9 MR. RIVERO: Defendant's 161, if you could show that
10 to counsel, the Court, and the witness.

11 BY MR. RIVERO:

12 Q. Now, this is an email -- this is an email between Craig
13 Wright and David Kleiman on March 12, 2008, right?

14 A. It appears to be.

15 Q. Okay. And you recognize the dave@davekleiman.com address,
16 correct?

17 A. Yes, I do.

18 Q. All right, sir. And do you recognize the --

19 MR. RIVERO: If you can go to the next page.

20 Oh, I'm sorry. Go back to the first page.

21 BY MR. RIVERO:

22 Q. Sir, do you see that it's got a -- it lists
23 balanceofsecurityfocus.com? Do you see that?

24 A. Yes. I see it.

25 Q. Is that a server list that your brother participated in?

1 A. I believe it was.

2 MR. RIVERO: Judge, I move the admission of what's
3 been marked as Defendant's 161.

4 MR. BRENNER: Your Honor, it's a 95-page document.
5 Just starting from the first page, it has hearsay statements on
6 it from Dr. Wright. So I would object.

7 If they want to talk about a particular part of it, we
8 can address that. But the document as a whole, I object to it.

9 THE COURT: I'm sorry, sir. The objection is?

10 MR. BRENNER: The objection is hearsay.

11 THE COURT: However, the witness has identified that
12 this was the communication that he's -- you're saying it's
13 hearsay because it's being offered by the Defendant?

14 MR. BRENNER: Yeah. But what the witness identified
15 was one page he just showed him. I'm saying in the exhibit
16 there is hearsay. So --

17 THE COURT: All right. Well, I'm only seeing one
18 page. So do you want to continue with the other -- before the
19 95 pages is admitted, that he recognizes --

20 MR. RIVERO: Yes, Judge. Let me just -- because I
21 think we can clarify it.

22 Let's go -- Mr. Shah, again, zoom out so we can see
23 the entire picture of each page.

24 There's page 1.

25 If you can show page 2.

1 BY MR. RIVERO:

2 Q. That's a continuation on this posting, right, Mr. Kleiman?

3 A. Yes.

4 MR. RIVERO: Page 3.

5 BY MR. RIVERO:

6 Q. More continuation, right?

7 A. Yes.

8 MR. RIVERO: Page 4.

9 BY MR. RIVERO:

10 Q. And it goes on. It's all the same posting, right?

11 A. Right.

12 MR. RIVERO: Judge, I am not offering any of that
13 email for the truth of the matter asserted; rather, to show the
14 communication between the gentlemen.

15 But Judge, I just want to make sure -- on Page 7, if
16 you would show that, Mr. Shah, so everyone's clear.

17 BY MR. RIVERO:

18 Q. Attached, sir, you see there is an article or a -- some
19 kind of a -- like a submission to a university called "The
20 Impact" -- well, I don't want to read the title. You see the
21 title, right?

22 A. Yes. I see it.

23 Q. All right.

24 MR. RIVERO: Judge, I move the admission of this as a
25 communication between these two men.

1 MR. BRENNER: Your Honor, I object. The parts that
2 they've shown so far, the authors of this are Dr. Wright and
3 something called "list serve security" --

4 THE COURT: I'm having a hard time hearing you,
5 Mr. Brenner. I apologize.

6 MR. BRENNER: The parts that they've shown on the
7 document so far are statements by Dr. Wright, which are
8 hearsay, and statements by something called -- it's not in
9 front of me, but I thought it said like: "List security." And
10 so I don't know what that is, but it's hearsay.

11 THE COURT: I don't believe it's being offered for
12 that purpose. The objection is overruled.

13 MR. RIVERO: All right. Let's go --

14 THE COURT: Exhibit 161 will be admitted into
15 evidence.

16 (Defendant's Exhibit 161 received into evidence.)

17 MR. RIVERO: Let's go up to the top of this email.

18 BY MR. RIVERO:

19 Q. This is the same day, right, March 12? We just saw it,
20 right?

21 A. Yes.

22 Q. Okay. And by the way, I'm going to further amend my list
23 because now we have the email in front of us. So before we
24 said March 2008. This is March 12, 2008, right?

25 A. Yes.

1 Q. Okay. Sir, the same day they are communicating -- it's a
2 95-page discussion, but let's just look at what the emails are
3 between David Kleiman and Craig Wright.

4 MR. RIVERO: So I'm going to focus -- if you would,
5 Mr. Shah, just highlight the second email, which is the Dave
6 Kleiman to Craig Wright one.

7 BY MR. RIVERO:

8 Q. Do you see it?

9 A. Yeah.

10 Q. So David Kleiman writes to your brother, and this is at
11 5:18 p.m., and the subject is "Defamation and difficulties of
12 law on the Internet."

13 And he says: "Craig, sometimes you amaze me. I just took
14 on a case today dealing with this. You're making my life easy.
15 Dinner is definitely on me when you and your wife are here.
16 I'll take any more information on this subject with great
17 enthusiasm and appreciation, as always."

18 Do you see that?

19 A. Yes. I see it.

20 MR. RIVERO: And if you would go to the top email,
21 Mr. Shah.

22 BY MR. RIVERO:

23 Q. I'm going to ask you to read what Mr. Wright says to David
24 Kleiman.

25 A. "Take what you want from the attached. See also 'Vicarious

1 Liability.'"

2 Q. Okay, sir. No mention of working on Bitcoin, right?

3 A. No. Not here, no.

4 MR. RIVERO: Okay. Let's go, if we could, to -- let's
5 jump ahead, if we can, to D205. And if we can show that to the
6 witness and counsel.

7 Am I saying the right number, Mr. Shah? I'm known to
8 get that wrong. D205.

9 THE COURT: I'm showing that D205 was withdrawn.

10 MR. RIVERO: Judge, I haven't -- for some reason --

11 THE COURT: I'm looking at 756-1, your latest Defense
12 exhibit list.

13 MR. RIVERO: Well, Judge, we will have -- I have it
14 listed as a joint exhibit, Your Honor.

15 THE COURT: Oh, a joint exhibit. I thought you said:
16 "D." I'm sorry.

17 MR. RIVERO: Oh, no. I was citing the Defense exhibit
18 number. Judge, I understand it was withdrawn from the Defense
19 list because it became a joint exhibit.

20 THE COURT: All right. So what is the joint exhibit
21 number, please?

22 MR. RIVERO: I apologize, Judge.

23 THE COURT: Yeah. If we can be precise for the
24 record.

25 MR. RIVERO: Yeah. I'm sorry about that, Your Honor.

1 It's Joint Exhibit 31, Your Honor.

2 THE COURT: All right. Thank you.

3 MR. RIVERO: That makes sense, Judge. I'm sorry. I
4 still got the wrong number.

5 Can I get a joint exhibit number on Defendant's 205?
6 (Pause in proceedings.)

7 MR. RIVERO: All right. I apologize to everyone in
8 the courtroom. I'm going to go on to a different one and we
9 hopefully can come back to 205.

10 How about Defendant's 244?

11 THE COURT: I'm showing D244 has been withdrawn. Is
12 there a joint exhibit that you want to refer to?

13 Mr. Shah, maybe you're aware, sir?

14 MR. RIVERO: Joint Exhibit 98, I believe, Your Honor.

15 BY MR. RIVERO:

16 Q. Okay. Mr. Kleiman --

17 MR. RIVERO: This is just for counsel and the
18 parties -- for counsel and Court and Mr. Kleiman.

19 BY MR. RIVERO:

20 Q. This is March 13, 2008, and it's between Craig Wright and
21 David Kleiman. Do you see that?

22 A. Yes. I see it.

23 Q. Do you recognize the David Kleiman email address?

24 A. Yes.

25 Q. Okay. And do you see the signature block where it says:

1 "Respectfully, David Kleiman," with his website address and his
2 address?

3 A. Yes. I see it.

4 Q. Okay.

5 MR. RIVERO: Judge, I move the admission -- well, it's
6 a joint exhibit, Judge. I ask the publication and admission of
7 Joint Exhibit 31, Your Honor. Did I say that right -- 98. I
8 apologize.

9 THE COURT: 98. 98.

10 MR. BRENNER: Your Honor, the problem we're having is
11 what's showing up on the screen is not the joint exhibit.
12 There's no way for to tell that. It's showing up as a Defense
13 exhibit. And if you can scroll down -- and there's no way for
14 me to do that.

15 THE COURT: Yeah. Let's make sure this is Joint
16 Exhibit 98.

17 Mr. Shah, could you do that for us?

18 MR. RIVERO: Judge, now I'm getting a note that it's
19 Joint Exhibit 60.

20 THE COURT: Okay.

21 MR. RIVERO: So -- I know.

22 Judge, I actually would request, since we are -- oh,
23 you want me to go to 1:00? I will go to 1:00. I apologize.

24 THE COURT: I'm sorry. Now I'm --

25 MR. RIVERO: Yeah. I know. I'm really --

1 THE COURT: You want to now introduce Joint Exhibit
2 60?

3 MR. RIVERO: 60. Yes. Yes.

4 THE COURT: All right. Let's make sure the screen
5 reflects -- this is Joint Exhibit 50 and -- or 60?

6 MR. RIVERO: 60, yes. Thank you.

7 THE COURT: And once that's verified, Mr. Brenner,
8 it's a joint exhibit and --

9 MR. BRENNER: Yeah. Again, I don't know how to do
10 it --

11 THE COURT: This says D205. Can we reflect Joint 60,
12 please.

13 (Pause in proceedings.)

14 MR. RIVERO: Your Honor, I am going to move to another
15 subject and make sure that over the lunch hour we are exactly
16 clear on our exhibit numbers, although that was not my plan.
17 But I, again, apologize to everyone and we will have this
18 straightened out by the time we're back after the lunch hour.

19 So let me go to something else. I really do
20 apologize.

21 BY MR. RIVERO:

22 Q. All right. To be clear, just to make this crystal clear,
23 you didn't learn of Dave's death until a few days after his
24 body was found?

25 A. Yes.

1 Q. And he -- you don't know the exact date, but he had died
2 some days before?

3 A. I believe so.

4 Q. Sir, you got a copy of what I'm going to show you now as
5 Defense 10.

6 MR. RIVERO: If Mr. Shah could show that to you, to
7 Mr. Brenner, and to the Court.

8 BY MR. RIVERO:

9 Q. You got a copy of this, did you not?

10 A. I think you're talking about what was sent to my brother's
11 office, his UPS -- like his PO box address.

12 Q. Okay, sir.

13 A. But this is what Patrick Paige received? Is that what
14 you're taking about?

15 Q. Well, let's start there. Patrick Paige definitely received
16 this, right?

17 A. Yes.

18 Q. And then Patrick Paige handed it to you?

19 A. I think it was -- I don't recall the date. This is
20 sometime in 2014, when I asked him if he ever found any
21 documents about W&K. And then like the next day or two, he
22 emailed me this.

23 Q. All right, sir. So you got it from Patrick Paige. Let's
24 just establish that you received this from Patrick Paige,
25 right?

1 A. Yes. That's correct.

2 MR. RIVERO: Judge, I'm going to move the admission of
3 Defendant's 10, which is an official record from the court in
4 Australia.

5 MR. BRENNER: No objection.

6 THE COURT: Admitted into evidence.

7 (Defendant's Exhibit 10 received into evidence.)

8 BY MR. RIVERO:

9 Q. Okay. Now, sir, you got it as a scan from Patrick Paige;
10 isn't that right?

11 A. I believe so, yes.

12 Q. And the date of the scan will be reflected as the date of
13 the scan, right?

14 A. Yes.

15 Q. Okay. Now, the -- this was a notice of a litigation in
16 Australia, correct? That's what we're looking at, Defendant's
17 10.

18 A. Correct.

19 Q. Okay. And it's notifying W&K Info Defense at a given
20 address in Palm Beach, correct?

21 A. Yes.

22 Q. Isn't that the same address that we just saw for your
23 brother as listed on his emails?

24 A. Yes. That's the company address that he shared with
25 Patrick at the Computer Forensics company.

1 Q. And sir, you -- this is in September of 2013, right?

2 A. That document as listed, yes. September 2013.

3 Q. Right. The date that's on the document now.

4 By September of 2013, you were in charge of David Kleiman's
5 affairs, right?

6 A. Yes.

7 Q. You had handed over computers to Patrick Paige and Carter
8 Conrad, right? You had handed over two hard drives, right?

9 A. Yes. They -- I was told that they were Computer Forensics'
10 hard drives.

11 Q. They were among these hard drives?

12 A. No, not those hard drives. Those are the ones in my
13 possession.

14 Q. I see. So there are other hard drives that are still in
15 Patrick Paige and Carter Conrad's possession?

16 A. That, I don't know. But I did hand a few hard drives to
17 Patrick --

18 Q. Okay.

19 A. -- after Dave died.

20 Q. Is it two or a few?

21 A. I don't recall the exact number, but if I had to guess, you
22 know, it could possibly be more than two. Maybe three, four.
23 I don't know.

24 Q. And you said something about those being in a -- in an
25 unlocked safe. Was that something you said?

1 A. Yes. Dave had a safe where he kept some hard drives.

2 Q. I didn't hear your answer.

3 A. He kept some hard drives in a safe.

4 Q. But your testimony was it was unlocked, right?

5 A. Yes.

6 Q. You're not suggesting that somebody had broken into the
7 safe?

8 A. That, I wouldn't know.

9 Q. All right. But you gave those over to Carter Conrad and
10 Patrick Paige, and they're not among the items you have?

11 A. No. They are not.

12 Q. Okay. All right. And sir, you stayed in touch with
13 Patrick Paige and Carter Conrad, right?

14 A. Yes, I did.

15 Q. And you don't dispute that this is sent to an address that
16 was associated with David Kleiman's business?

17 A. Yes. That's the company address he shared with Patrick.

18 Q. Okay. Now, let me show you what I have marked as Joint
19 Exhibit 1.

20 MR. RIVERO: And I'm not sure that this has been shown
21 to the jury yet, Your Honor, but I would like to move its
22 admission and publish it.

23 THE COURT: Is there any objection? It's a joint
24 exhibit.

25 MR. BRENNER: No. I have no objection.

1 THE COURT: All right. Admitted into evidence.

2 (Joint Exhibit 1 received into evidence.)

3 MR. RIVERO: I don't believe -- can we show it to the
4 jury?

5 THE COURT: You may.

6 BY MR. RIVERO:

7 Q. And this is not controversial, is it, sir? These are the
8 Articles of Organization for W&K Info Defense Research, right?

9 A. Yes.

10 Q. And it has the street address as 319 --

11 MR. RIVERO: If you would highlight that, Mr. Shah.

12 BY MR. RIVERO:

13 Q. 319 [sic] Contego Lane, right?

14 A. Yes.

15 Q. And then it has the mailing address for the company as
16 being 4371 Northlake Boulevard, 314, right?

17 A. Yes.

18 Q. And that's the address we just saw, correct?

19 A. Yes, it is.

20 Q. All right. So then --

21 MR. RIVERO: Let's keep going up.

22 BY MR. RIVERO:

23 Q. It shows David Kleiman as the registered agent, right?

24 A. Yes.

25 Q. And then --

1 MR. RIVERO: If we can show the rest of it to the
2 jury, if you would. I don't think we've seen this.

3 Is that the balance?

4 Okay.

5 BY MR. RIVERO:

6 Q. That's the company -- when we talk about W&K, that is the
7 formation document of W&K, right?

8 A. This is what?

9 Q. This is the articles -- it says this is the Articles of
10 Organization for W&K, right?

11 A. Okay. Yes.

12 Q. Okay. Now let's show you Defendant's 11.

13 MR. RIVERO: And counsel, of course.

14 BY MR. RIVERO:

15 Q. In the same time period, in this 2014 time period when
16 you're supposed to be taking care of David's estate, you have
17 email exchanges with Patrick Paige, right?

18 A. Yes.

19 Q. And sir, this is one of those email exchanges that's -- I'm
20 sorry. No -- okay.

21 Yeah. You're in here. You're Dex, right?

22 A. Right.

23 Q. Do you use an email called dex561@yahoo.com?

24 A. Yes, I do.

25 Q. Right. By the way, I forgot to ask you this: Dave K2 that

1 you were using that we saw before, that's one of the 30-plus
2 emails?

3 A. I believe so.

4 Q. Okay. And do you have a Dave K1?

5 A. I don't know.

6 Q. But you have a number of emails that have Dave as opposed
7 to Ira, right?

8 A. I think just a few, not too many of those.

9 Q. Just a few. All right. So Dex is you, right?

10 A. Yes.

11 MR. RIVERO: Judge, move the admission of Defendant's
12 11.

13 THE COURT: Any objection?

14 MR. BRENNER: No objection.

15 THE COURT: Admitted into evidence.

16 (Defendant's Exhibit 11 received into evidence.)

17 MR. RIVERO: Now, Mr. Shah, if you can zoom in on the
18 email from -- before we go there, I just want to make sure we
19 understand the makeup of this email. If you can show the whole
20 thing for a second.

21 BY MR. RIVERO:

22 Q. Sir, the top one is the way that emails usually work; it's
23 the last one, right? The one at the top of the page is the
24 last one, right?

25 A. Yeah. I think so.

1 Q. Right. So in emails, it's sometimes counterintuitive, but
2 just the way they come in on strings, the first one's at the
3 bottom and then they keep layering on top, right?

4 A. Yes.

5 Q. You have that experience, as we all do?

6 A. Yes.

7 Q. And so the bottom one here, it doesn't have the From, Sent,
8 To, either, right?

9 A. Yeah. I don't see it.

10 Q. Yeah. Okay. But in any event, the very bottom is an email
11 from Patrick Paige. And he says to you: "I don't think" --
12 this is May 1st, 2014. He says: "I don't think we're going to
13 renew this mailbox, so I wanted to check to see if you want to
14 take it over. Let me know if you do, and I can meet you over
15 there and transfer it to you. Otherwise, I think we will not
16 renew it."

17 Do you see that?

18 A. Yes, I do.

19 Q. Again, then you answer --

20 MR. RIVERO: The next one, if you could pull it out,
21 "Hey, Patrick."

22 BY MR. RIVERO:

23 Q. Your answer: "Hey, Patrick. I don't think there's any
24 need to renew the mailbox. So far nothing has come from
25 Bitcoin stuff. There's a lot more to the story and it's

1 complicated. Hopefully, one day, if anything ever comes of it,
2 I'll make sure you guys get a piece of it." Right?

3 A. Yes.

4 Q. Yeah. So you were offering them something if you could get
5 to the pot of gold?

6 A. Yeah. If we found something, that was -- I was telling him
7 that I would certainly share it with Dave's friends.

8 Q. Okay. And -- but you didn't want to renew the mailbox?

9 A. I viewed the mailbox as like a company-owned address. I
10 wasn't even really sure why he was offering it to me. It's a
11 Computer Forensics address. So that, I kind of thought was
12 odd.

13 MR. RIVERO: Mr. Shah, if you could go to the top
14 email.

15 BY MR. RIVERO:

16 Q. And then later -- well, I don't need to show you that.
17 That's just Patrick Paige letting Carter Conrad know what you
18 had said, right?

19 A. Yes.

20 Q. Okay. In any event, sir, they did keep the mailbox,
21 though, didn't they?

22 A. I'm not sure how long they kept it.

23 Q. But the notice -- you know the notice came in to the
24 mailbox?

25 A. Oh, yes.

1 Q. All right. So let me go -- let me continue with just W&K.

2 First, just as to W&K, besides what we just saw, you don't
3 have any personal knowledge about W&K's business?

4 A. No, I don't.

5 Q. All right. And you don't have any personal knowledge about
6 who the owners of W&K were?

7 A. Just what I have received from Craig.

8 Q. I'm sorry. I couldn't hear you.

9 A. Just what I received from Craig.

10 Q. If I heard you -- it's a little -- you might be too close
11 to it. But if I heard you, it's just what you received from
12 Craig?

13 A. Yes.

14 Q. All right. So I'm just talking about your personal
15 knowledge, right? You don't know anything about how
16 distributions for that company were supposed to be made, do
17 you?

18 A. No, I don't.

19 Q. And you don't know who was going to manage the company?

20 A. I don't have personal knowledge, no.

21 Q. All right. And you don't have any personal knowledge of
22 who was going to do what, who was going to split
23 responsibilities in what way for the company?

24 A. No.

25 Q. You don't know who was supposed to put in any capital, do

1 you?

2 A. No.

3 Q. And you don't know who was supposed to pay any expenses, do
4 you?

5 A. No.

6 Q. If there were tax returns, I suppose that might help us
7 know if there were expenses; isn't that right?

8 A. Yeah, probably.

9 Q. And if there was tax returns, it might help us know if
10 there were monies coming in that had to be distributed, right?

11 A. Yes.

12 Q. But we don't have them, right?

13 A. I don't believe -- I don't believe so.

14 Q. All right. And sir, you're not suggesting in any of this,
15 I assume, that your brother was engaging in a business where
16 tax returns should be filed and he didn't file them, are you?

17 A. I wouldn't know.

18 Q. Okay. Now, you, in fact, tried to ask Craig about W&K
19 because you knew nothing about it, right?

20 A. Yes.

21 Q. Okay. And you, in fact, wrote to the Department of
22 Homeland Security to find out about the work that W&K had done;
23 isn't that right?

24 A. Yes. He sent me an email that mentioned that they had
25 worked on projects for the Department of Homeland Security.

1 And so I wanted to try to get some confirmation that those
2 projects were actually worked on.

3 Q. Yeah. Mr. Kleiman, I don't know why -- I think in trying
4 to speak louder or whatever, you're getting close to the
5 microphone. So I --

6 A. Too close? Okay.

7 Q. I don't know what to tell you, sir. But I'm having a hard
8 time. I don't know if the jury hears you, but I'm having a
9 hard time hearing you.

10 A. Can you hear me? Is that too close?

11 Q. I don't know if you could just speak up a little bit,
12 Mr. Kleiman.

13 A. Oh, I'll try.

14 Q. Okay. Craig Wright told you that W&K did projects with
15 Homeland Security, right?

16 A. Yes, he did.

17 Q. All right. And you wrote to Homeland Security, right?

18 A. Yes.

19 Q. And you found out that W&K did what we call in the United
20 States RFPs to the Department of Homeland Security, right?

21 A. Yes. I think so.

22 Q. And do you know that RFP means Requests for Proposal? Do
23 you know that?

24 A. Yeah. I know that now, yes.

25 Q. It's sort of government speak about: "Tell me what your

1 proposal is," right?

2 A. Yes.

3 Q. Okay. And you found out from Department of Homeland
4 Security that your brother, apparently working with the
5 Wrights, had proposed to the Department of Homeland Security
6 they could do some computer stuff for Department of Homeland
7 Security, right?

8 A. Correct.

9 MR. RIVERO: And sir, let me show you what's been
10 marked as Plaintiffs' 424.

11 BY MR. RIVERO:

12 Q. And this is a letter from Homeland Security to your lawyer,
13 Kyle Roche, right?

14 A. Yes.

15 Q. Okay.

16 MR. RIVERO: Judge, I would move the admission of
17 Plaintiffs' 424.

18 MR. BRENNER: Can I just see more than the first page,
19 please?

20 THE COURT: Any objection? It's the Plaintiffs'
21 exhibit.

22 MR. BRENNER: Your Honor, what exhibit number?
23 There's no labels on any of these.

24 MR. RIVERO: Judge, as I said, it's Plaintiffs' 424.
25 In fact, it is labeled as -- P424 is the system that Plaintiffs

1 have used to label their exhibit.

2 THE COURT: All right. It shows Plaintiffs' 424. Is
3 there any objection?

4 MR. BRENNER: No objection.

5 THE COURT: Admitted into evidence.

6 (Plaintiffs' Exhibit 424 received into evidence.)

7 BY MR. RIVERO:

8 Q. All right. So your lawyers wrote to Homeland Security
9 and -- oh, let's go back a little bit.

10 Australians don't use the terminology we use for RFPs. Do
11 you know that?

12 A. No. No.

13 Q. You know that Australian English is a little bit different
14 from American English? Right?

15 A. Yeah.

16 Q. Do you know that the Australians, when they talk about what
17 we call an RFP, they talk about a "tender"?

18 A. Okay.

19 Q. Have you ever heard that?

20 A. I think I recall Lynn Wright mentioning that word, yes.

21 Q. So you talked to Lynn Wright and Lynn Wright told you that
22 the business of W&K was to do tenders to the Department of
23 Homeland Security; isn't that right?

24 A. I've never spoken to Lynn Wright. I only recall her saying
25 that word at her deposition.

1 Q. Okay. I'm not asking for you to report on all the evidence
2 in the case. We're going to hear from Lynn Wright. I'm just
3 asking what you know, sir.

4 A. Yeah. I thought you said that I spoke to Lynn Wright, and
5 I'm telling you that I've never spoken to Lynn Wright.

6 Q. Okay. Mr. Kleiman, when your lawyers made the inquiry,
7 this gobbledygook government response came back, right?

8 A. Yes.

9 Q. And it says -- sir, it says: "Dear, Mr. Roche" --

10 MR. RIVERO: If you could highlight -- that's the
11 response to Mr. Roche.

12 BY MR. RIVERO:

13 Q. -- "This is the electronic final response to your March 12,
14 2018 Freedom of Information Act request to the Department of
15 Homeland Security."

16 Do you see that?

17 A. Yes.

18 Q. But it's also, too -- in classic government speech, it's
19 the -- in DHS, it's the Science and Technology Directorate. So
20 it's a government agency, right?

21 MR. RIVERO: If you could highlight that, Mr. Shah.

22 BY MR. RIVERO:

23 Q. All right. Do you see that?

24 A. Yes. I see that.

25 Q. And then what it was is a response for: "Copies of any